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REPORT

FROM THE

SELECT COMMITTEE

ON THE

AFFAIRS

OF

THE EAST INDIA COMPANY;

WITH

MINUTES OF EVIDENCE

IN SIX PARTS,

AND

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ac

AN APPENDIX AND INDEX TO EACH.

Ordered, by The House of Commons, *to be Printed,*
16 *August* 1832.

Veneris, 27° die Januarii, 1832.

Ordered,

THAT a Select Committee be appointed on the present State of the Affairs of the East India Company, and to inquire into the State of Trade between Great Britain, the East Indies and China, and to report their Observations thereon to The House:—and a Committee is appointed of

Mr. Charles Grant.
Mr. Baring.
Lord Viscount Sandon.
Mr. Stuart Wortley.
Sir James Macintosh.
Mr. Strutt.
Mr. Astell.
Sir John Malcolm.
Mr. Labouchere.
Mr. Heywood.
Mr. John Loch.
Mr. Robert Grant.
Mr. John Wood.
Lord Cavendish.
Colonel Torrens.
Mr. Villiers.
Sir Henry Hardinge.
Mr. East.
Mr. Stewart Mackenzie.
Colonel Maberley.
Mr. Irving.
Mr. Wilde.
Sir Francis Vincent.
Mr. O'Connell.
Mr. Hume.
Mr. Warburton.
Sir James Macdonald.
Mr. Whitmore.
Mr. Courtenay.
Mr. Warre.
Mr. James Morrison.
Mr. Marshall.
Sir Robert Inglis.
Lord Viscount Morpeth.
Mr. Sheil.
Mr. Cutlar Fergusson.
Mr. Edward Lytton Bulwer.
Mr. Frankland Lewis.
Sir George Murray.
Mr. Ewart.
Sir John Byng.
Sir Henry Bunbury.
Sir Charles Forbes.
Mr. Jenkins.
Mr. Hawkins.
Mr. Pusey.
Mr. Bonham Carter.
Mr. Dixon.

Ordered, That the said Committee have power to send for Persons, Papers, and Records, to Report Minutes of Evidence from time to time, and to adjourn from time to time, and from place to place.

Ordered, That Five be the Quorum of the said Committee.

Ordered, That the Report and Minutes of Evidence taken before the Select Committee on the East India Company's Affairs in Sessions 1830, 1830–31, and 1831, be referred to the said Committee.

Mercurii, 1° die Februarii, 1832.

Ordered, That Mr. Williams Wynn, Mr. Wrightson, Mr. John Stanley, Mr. John Ponsonby, Mr. Fazakerley, Mr. Gally Knight, be added to the said Committee.

Jovis, 2° die Februarii, 1832.

Ordered, That Mr. Wigram, Mr. Gisborne, Sir Ronald Ferguson, Mr. Du Pré Alexander, be added to the said Committee.

Veneris, 3° die Februarii, 1832.

Ordered, That Mr. Forbes and Sir George Nugent be added to the said Committee.

Veneris, 10° die Februarii, 1832.

Ordered, That Mr. Alderman Venables, Mr. Alderman Thompson, and Lord Viscount Milton, be added to the said Committee.

Mercurii, 22° die Februarii, 1832.

Ordered, That Mr. Mackillop, Lord George Lennox, and Mr. Charles Russell, be added to the said Committee.

Jovis, 23° die Februarii, 1832.

Ordered, That Mr. Edward Stewart be added to the said Committee.

Veneris, 16° die Martii, 1832.

Ordered, That Mr. Charles Fox be added to the said Committee.

Veneris, 22° die Junii, 1832.

Ordered, That Mr. Robert Gordon and Mr. Macaulay be added to the said Committee.

Mercurii, 27° die Junii, 1832.

Ordered, That Mr. Labouchere be added to the said Committee.

Jovis, 28° die Junii, 1832.

Ordered, That Mr. George Vernon be added to the said Committee.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the present State of the AFFAIRS of the EAST INDIA COMPANY, and into the State of TRADE between *Great Britain*, the *East Indies* and *China*, and to report their Observations thereon to The House;—HAVE considered and inquired into the matters to them referred, and have agreed upon the following REPORT:

YOUR COMMITTEE have instituted an extended inquiry into the practical results of the System of Government established over the Asiatic Possessions of this Country, and of the Commercial Privileges enjoyed by the East India Company. They have subjected each Department of Administration to the closest and most minute investigation which they have found to be practicable. The labours of the Committee have been brought to a close by the approaching termination of the Session.

Immediately after the appointment of Your Committee, it was intimated to them, that in the Establishments of the East India House and the Board of Control, it had been found necessary to classify the public business; and the Committee, with a view to a systematic arrangement in their proceedings, and to a due distribution of their own business, adopted a similar classification. They have accordingly considered separately the subject-matter of their Inquiry under the following Heads:

I. PUBLIC.
II. FINANCE AND ACCOUNTS—TRADE.
III. REVENUE.
IV. JUDICIAL.
V. MILITARY.
VI. POLITICAL OR FOREIGN.

I.—*Public.*

AMONG the most important matters brought under the review of the Committee, in the Public or Miscellaneous Branch of the Inquiry, will be found the following:

The Constitution, Powers, Expense, Practical Efficiency, and Defects, of the different branches of the Indian Government, both at home and abroad:

The Appointment and Nomination of European Servants for the Civil Administration of India, their Character, Education, Qualifications, and Oriental Acquirements:

The Policy of employing Natives more extensively in Indian Administration; their Feelings and Opinions regarding our Government; and their Condition in reference to Education:

The introduction of the English Language into the proceedings in the Company's Courts of Justice:

The Laws under which our Indian Empire is governed, and their Administration, and the degree in which they are applicable to European Settlers or Residents, or are capable of being made applicable to them:

The Condition and Character of such Settlers, and the Policy of encouraging them:

The State of the Press in India:

The Church Establishment, with reference to the Actual State of Christianity in India: and

The Powers and Practical Effect of the King's Courts at the different Presidencies.

In reporting the result of their inquiry on these points, the Committee feel anxious to abstain, as far as possible, from the expression of any opinion: they prefer submitting to The House a general Summary of the Evidence. They would, however, strongly recommend an attentive perusal and consideration of that Evidence.

There will be found in the Appendix to the Evidence, besides a valuable Digest of the Evidence taken before the Committee of the Lords in 1830, and before preceding Committees of the Commons, an interesting Memoir of the steps taken for the purpose of Educating the Natives in India; a selection from the Public Correspondence on that subject; and similar selections with regard to the Employment of Natives in the Civil Departments; the best mode of qualifying the European Civil Servants for their official duties in India; and the Numbers and Salaries of the Ecclesiastical Functionaries.

I.—Home Government.

The Authorities composing the Home Government are (1.) The Court of Proprietors; (2.) The Court of Directors; (3.) The Board of Control.

1. In the Evidence, the Constitution and Qualifications of the Proprietors; the Functions of that Court; and their Fitness to choose the Directors; are severally brought under review.

As

As the qualification for a single vote, a Proprietor must possess, and have held for 12 months, 1,000 *l.* stock; no minor may vote, nor can a Proprietor vote by proxy. The number entitled to vote, at the present time, is 1,976; of which 54 have four votes, 50 have three votes, 370 have two, and 1,502 one vote. 10. 14. 18.

Exclusive of the profitable investment of Capital which India Stock has hitherto afforded, individuals have become Proprietors, from connexion with that country, and previous residence there; from a desire to take part in the discussion of Indian affairs at the General Courts; and for the purpose of promoting the election of their friends, and participating in the patronage. 1344. 1345.

The Court of Proprietors elect the Directors, and declare the Dividend, which, since 1793, has always been declared at the maximum of 10½ per cent., allowed by the Act of that year. They have no general control over the Court of Directors, but they make Bye-laws, which are binding upon the Company, when no Act of Parliament exists to the contrary. All Proceedings in Parliament affecting the Company's interests, and all Grants of Money above 600 *l.*, must be submitted to them; but no Grant above 600 *l.* made by them is valid, unless confirmed by the Board of Control. Their powers were materially limited by the Acts of 1784 and 1793; they can neither revoke, suspend, nor vary, any order of the Court of Directors which has been sanctioned by the Board of Control; and though there appears to be no restriction on their discussing any measure of the Directors, they are, in fact, virtually precluded from all substantial interference in the affairs of India. 19. 4. 6. 9. 18. 6. 7. 23. 8. 25. *See* 1603.

2. The Court of Directors consists of 24 Proprietors, who conduct the whole affairs of India, both at home and abroad, subject, on most points, to the Board of Control. 27.

Thirteen form a Court; six of the 24 Directors go out annually by rotation, and such has been the law since 1773; but they are re-eligible at the expiration of a year, and are generally re-elected. 27. 50. 57.

The election of the Chairman and Deputy Chairman takes place annually by the Directors; nor does any fixed rule regulate their choice. 163. 169. 1804-1809.

The power of nominating the Governors and Commanders-in-Chief is vested in the Directors, subject to the approval of the Crown. The Court can recall a Governor, or any of their servants, independently of the Board of Control. Subject to the power and supervision of the same Board, most of the Despatches connected with the Government of India are prepared by the Directors. In case of collision between the Court and the Board, an appeal lies to the King in Council, as an ultimate resort. 74. 1271. 1252. 1257. 65.

Every Director has, or has power to have, full cognizance of all the affairs of the Company, and has, when in Court, the power of interference; but every Director has not the opportunity of sitting and deliberating in the Committee of Correspondence, which is filled up on the principle of succession by seniority alone. 36. 44. 1800. 1803. 296.

For the dispatch of business, the Court of Directors is divided into three principal Committees: the Committee of Correspondence; the Committee of Buying and Warehouses; and the Committee of Shipping. To these Committees the Directors are annually appointed by seniority; and after the election of the Chairman and Deputy Chairman, the names of the Members who are to compose the several Committees, are proposed by the Chairman to the Court. The Committee of Correspondence stands highest in the scale; it consists of the nine senior Members, with the Chairman and 1806. 30. 1811. 35. 296. 1302. 32. 333. 31.

Deputy Chairman, making eleven. Each Member of the Committee of Correspondence must have passed through the Committees of Buying and Warehouses, and of Shipping, however high and important may have been the station which he has previously filled in India, or elsewhere.

34. 295. All that relates to the preparation of Despatches for India, generally, belongs to the Committee of Correspondence; particularly all the more important Political Business.

1252. 413. 415. 1257. 416. It appears from the Evidence that all the Despatches, not of a secret nature, have originated with the Court of Directors, and that, during the last 17 years the Board have directed the preparation of 49 or 50, out of a total number amounting to nearly 8,000. They have continually made important alterations, but the Law has precluded them from any other mode of originating a Despatch than that of directing the Court to prepare it.

36. 59. 66. 332. All Communications addressed to the Court of Directors, of whatever nature, and whether received from abroad or from parties in this country, go, in the first instance, to the Secretary's Office, and are laid by the Chairman before the first Court that meets after their receipt. Despatches of importance are generally read to the Court at length. The Despatches, when read or laid before the Court, are considered under reference to the Committee of Correspondence, and the officers whose duty it is to prepare Answers, take the directions of the Chairs upon points connected with them; the Draft of an Answer is framed upon an examination of all the documents to which the subject has reference, and submitted to the Chairs; it is then brought before the Committee of Correspondence, to be revised by them, and is afterwards laid before the Court of Directors, for their approval or alteration. When it has passed the Court, it goes to the Board of Control, who are empowered to make any alterations, but are required to return it within a limited time, and with reasons assigned for the alterations made. Previously, however, to the Draft being laid before the Committee of Correspondence by the Chairs, experience has suggested the convenience of submitting it to the President of the Board, in the shape of what is called a Previous Communication. In this stage alterations are made by the President, without the formality of assigning reasons for them. The Previous Communication being returned to the Chairman, is laid by him before the Committee of Correspondence, either with or without the alterations made by the President, or with a modification of them, as he may see fit. Against the formal alterations made by the Commissioners for the Affairs of India, the Court may make a representation to the Board, who have not unfrequently modified the alterations on such representation; but if the Board decline to do so, they state the same to the Court, and desire that the Draft may be framed into a Despatch, and sent out to India, agreeably to the terms of the Act of Parliament. In the event of a refusal, the Court may be compelled by Mandamus to comply with the order, but if they doubt the competency of the Board, they may appeal to the King in Council, who decides whether the Board is acting within its power.

63. 248. 288. 65. 248.

251. 123. 1291. 126. 251. By the Act of 1784, the Directors are charged with appointing a Secret Committee, whose province it is to forward to India all Despatches which, in the opinion of the Board of Control, should be secret, and the subject-matter of which can only be divulged by their permission. The Committee consists of three Directors, chosen by the Court, viz. the Chairman, Deputy Chairman, and most frequently the Senior Director not in the Chair, who take the Oath of Secresy, as prescribed by the Act. Their officers also are sworn to secresy; and no one is employed in transcribing

Secret

Secret Despatches without the permission of the Board. The Board are empowered by Law to issue, through the Secret Committee, Orders and Instructions on all matters relating to War, Peace, or Negociation with the States of India; and the Secret Committee are bound to transmit such orders to India without delay. The Secret Committee have no legal power to remonstrate against such Orders, provided they have relation to the subjects above stated. They have, however, had communication, upon matters stated in Secret Despatches, with the Board, and at their suggestion alterations have been made; but they have not the same power with regard to Secret Despatches as the Court have with regard to other Despatches; they are not empowered by Law to make any representations thereon to the Board. 413. 128. 129. 256.

It has been stated that another class of subjects, not provided for in the Act which establishes the Secret Committee, has been necessarily treated through that Committee, upon which its Orders have been more punctually obeyed than in other cases,—namely, Negociations with European States having Settlements in India, and generally all matters connected with War in Europe, which can in any way affect our Indian interests. 1587.

When either War against a Native State, or an Expedition against any of the Eastern Islands, has been in contemplation, and the Finances of India at such periods have been exceedingly pressed, or have required aid from this country, the Secret Committee, in communication with the Board, have taken upon themselves, without previous communication with the Court, to provide the requisite funds. Thus, Despatches relating to subjects purely Financial and Commercial, such as the Transmission of Bullion, and the nature and amount of the Company's Investments, have gone through the Secret Committee. Of late years, however, and especially since 1810, great attention seems to have been paid to exclude from this Department all matters which did not properly belong to it, and even in those to confine the exercise of its interference within the narrowest limits possible, leaving all Political Communications to be made through the ordinary channel, when it could be done without detriment to the Public Service. 1292. 1297. 1289. 1290. 1293.

It is alleged that the events and occurrences which have given rise to the Secret Correspondence have occasionally passed over before any Instructions can reach India; and Copies of Papers sent to the Secret Committee, relating to matters of high political and personal importance, have found their way to individuals in this country, while the Court of Directors, technically speaking, were ignorant of the subject of them. But upon subjects involving considerations of policy towards European and American States, it seems obvious that there ought to be a means of sending Despatches to India without communicating their contents to so numerous a body as the Court of Directors. It has been stated, that if any doubt could exist on this head, abundant materials in the records of the Secret Department might be found to prove the absolute necessity of such a channel. 1591. 411. 1590. 1588. 411. 1589.

With regard to what may be termed the Internal Policy of British India, the Secret Correspondence has been (as we have already stated) mainly confined to the conduct to be pursued towards the Native Powers, and Negociations and Questions of Peace and War with them and the neighbouring Asiatic Nations. It would seem to be the necessary condition of so vast and distant an Empire, that such Questions must, for the most part, be practically resolved by the Local Government of India, and accordingly all great measures relating to them appear to have originated

with those Authorities. Yet it has been alleged, that on some not inconsiderable points, the interference of the Government at Home has been effectual, and that the many peremptory injunctions which are said to be recorded in the Despatches of this Committee, must have had an effect in modifying, if not in directing, the general course pursued by those Authorities on various occasions.

Having thus presented a brief outline of the Constitution and Functions of the Courts of Proprietors and Directors, the organs of the Company in all its public and private transactions, the Committee propose, in a similar way, to advert to the Board of Control; and to conclude their remarks on the Evidence relating to the Home Government, by a review of the Extent of the Correspondence, and of the Plans which have been proposed for abridging it, and for expediting the Preparation and Transmission of Despatches to India.

3. The Board is constituted by a Commission under the Great Seal, the first-named Commissioner being President of the Board. The First Lord
192. of the Treasury, the Chancellor of the Exchequer, and the Secretaries of State are, *ex officio*, Members of the Board; and two of the Commissioners are not of the Privy Council. This is the constitution of the Board under the Act of 33 Geo. 3, c. 52.

194. By the Act 51 Geo. 3, c. 75, there is no limitation with respect either to the number of Commissioners who are to be paid, or to the amount of their Salaries; but in practice the number of paid Commissioners has been limited to three, namely, the President and two others.

202. For a statement of the Departments into which the Board is divided, reference is made to the Memorandum delivered in by B. S. Jones, Esq., the Assistant Secretary to the Board.

In the distribution of the business of the office, it depends entirely on
209. the President how far he shall avail himself of the services of the other
204. Commissioners. The unpaid Commissioners seldom take any active part,
205. and are considered rather as Honorary Members, who may be consulted
210. as occasion may arise. Effectually, therefore, the whole responsibility rests with the President. In general changes of the Administration, all
286. the Members of the India Board vacate office, but the unpaid Commissioners are frequently re-appointed.

Under the Act of 1793, the Commissioners are to superintend, direct and control all acts, operations and concerns which in anywise relate to
288. the Civil or Military Government, or to the Administration of the Revenues, of India; but the Committee deem it advisable to refrain from adducing opinions merely hypothetical as to the independent powers which the Law confers on the Board. With respect to all Despatches relating to Peace, War, or Negociation with any of the Powers of India, which the Board may deem of a secret nature, it is their duty, according to the express terms of the Law, to originate and prepare the Instruc-
413. tions which are sent through the Secret Committee; and, speaking gene-
289. rally, there have been no Secret Despatches but those prepared by the Board. Upon any subject whatever, not Commercial, without any reason
416 given, they may require the Court of Directors to prepare a Despatch, within the limited period of 14 days, with which they may deal at their own pleasure, so as to alter all its expressions and its whole purport. For
289. alterations made by the Board, whether in Despatches so prepared, or in those which have been framed by the Court without such directions, the Law requires, as already stated, that reasons at large shall be given.

By

By the Charter Act of 1813, the Rules and Regulations for the good government of the College at Haileybury, and the Military Seminary at Addiscombe, are subject to revision and approval by the Board, and no Order for the establishment of any office, or the appointment of any person to fill the situation of Principal at the College, or Head Master of the Seminary, is valid, until approved by the Board. 290

The Warrant for nominating a Bishop of Calcutta, or for preparing Letters Patent relating to that See, is countersigned by the President, in which he acts independently of the Court of Directors. The President also countersigns the Warrant of the King approving of the appointment by the Court of Directors of the Governors, and Commanders-in-Chief; as well as the writing or instrument under the Sign Manual by which the King may remove or recall any person from office or employment in India, and vacate and make void Appointments and Commissions there. 291.

The mode in which separation is made between the Political and Commercial Finances of the Company, is, in the terms of the Act of 1813, under the absolute control of the Board.

They have also the power of directing permission to be given to any individual to proceed to India, if the Court have previously refused such permission; and the Board are not required in this case to state their reasons. 582–584.

The mode in which the business is transacted between the Board and the Court has been already described.

Considering the multifarious nature of the Company's relations and transactions, it is to be expected that the Correspondence should be voluminous and complicated, comprehending, as it does, not only all that originates in England, and is transmitted to India, but also the record of the Proceedings and Correspondence of the Officers at the several Presidencies, necessary to put the Authorities at home in complete possession of all their acts. The Correspondence comes home in Despatches, and the Explanatory Matter in Books or Volumes. The total number of Folio Volumes received in 21 years, from 1793 to 1813, was 9,094; and from 1814 to 1829, a period of 16 years, the number was 12,414. 1694. 1695. 967. 156. 1575.

From the establishment of the Board in 1784, to 1814, the number of Letters received from the Court by the Board of Commissioners was 1,791; the number sent from them to the Court was 1,195. From 1814 to 1831, 1,967 Letters have been written to, and 2,642 received from, the Board. The number of Drafts sent up to the Board from 1793 to 1813, was 3,958; from 1814 to 1830, 7,962, being an increase of 4,004. There have, moreover, been various References, connected with servants, civil and military, and others, in this country, amounting, between the years 1814 and 1830, to 50,146. The Reports made to the Court by its Committees, apart from details and researches made in framing such Reports, amount to 32,902. From 1813 to the present time, 723 Parliamentary Orders have been served on the Court, requiring Returns of vast extent.

It is represented that the Home Government is overloaded with details; and that there is nothing so great, and nothing so small, that does not (under the present system) require the sanction of the Supreme Authority. While it is maintained, as a principle, that the Councils of India must be made to confide in the Government at Home, (which salutary 341. 1694. 1695. 1736. 1737.

1560. purpose can alone be secured by the transactions being duly recorded, and punctually transmitted home by every opportunity,) it does not seem possible that the overwhelming mass of business should be diminished: the only obvious principle of remedy is stated to be a division of labour and responsibility.

In describing the mode in which business is transacted by the Court and the Board collectively, allusions have been made to differences of opinion, which have occasionally arisen; to a power of Remonstrance on the one hand, and an obligation to give Reasons at large on the other; and it is held that differences of this nature must operate unfavourably on the Company's interests, in two ways, from the weakness and vacillation which disunion betrays, and from the delay that must take place before the intended measures are adopted. The Act of Parliament prescribes, that the Despatch, when prepared, should be only two months from the time of its leaving the Court of Directors to its being returned thither; and an Answer has been prepared by the Court, and sent up to the Board, within ten days of the receipt of the Despatch from India; but it has sometimes happened that questions of importance submitted by the Government of India to the consideration of the Home Authorities, have, from peculiar events, not been answered for a period of two or three years, circumstances in the meantime having so changed that further reference became necessary, and thus a period of many years has elapsed before the adjustment of such questions. The fact of Collision between the co-ordinate authorities is clearly borne out by the Evidence; while it is also affirmed that the desire of avoiding collision has led, in many instances, to the continued and renewed postponement of Instructions upon important subjects. Hence, although the degree of inconvenience resulting from such collision may be regarded as a matter of mere opinion, and thus be variously estimated, yet it must have its origin in the constitution of the Home Authorities, and the existence of co-ordinate powers. It has also been suggested that, in consequence of the indefinite nature of the several powers of the two authorities, impediment is thrown in the way of communications from Public Servants in India.

1566. 1117. 1120. 1472. 66. 70. 292. 293. 1261. 1274. 1275. 1286. 1314. 1324. 1585. 1601. 1594. 277. 299. 301. 1262. 1270. 1592. 523. 263. 1029. 1033. 1471. 1566. 1571. 1581. 1582.

266. 302. 1578. A remedy suggested for the evils just alluded to, is, a change of the present system, by vesting the Government in all its branches in one body, or in two bodies, having a very different relation to each other from that which now exists between the Court and the Board, and remodelling the Local Government on the same principles. But, independently of any great change in the system, the Evidence affords various hints respecting modifications which might be beneficially introduced into the existing Government.

1597. 1813. 1816. 1306. 1310. 1812. 1814. 1562. 318. 1454. The possibility of conducting the business with fewer Directors, and the expediency of reducing their number, have been considered. It is allowed that a diminution of their number would constitute a stronger obligation on the individuals appointed to attend to their duties, as it would impose practically, as well as morally, an additional degree of responsibility: but it is maintained that no real inconvenience arises from the present constitution of the Court, and that its Members could not well be diminished, unless its Commercial and Political Functions were separated more than has yet been done, because the Commercial Department, with which a large proportion of the business of the Court originates, requires the superintendence of a separate Committee; and though there is a plan suggested for introducing a more marked distinction between the Political and Commercial character of the Company, it is contended

contended that there is a necessity for an interference on the part of the Court as active and extensive as that which at present exists.

The advantages and disadvantages of the Change of Directors by rotation have also been considered: it is allowed that, by the existing rule, the Court is frequently deprived of the advice of competent and able men; but if the Directors were to be chosen for life, there would remain no check upon their incapacity or misconduct. 1599. 1603.

The mode in which the Committee of Correspondence is filled up is liable to a similar objection, because those Members who come late in life from India, and whose talents and experience peculiarly qualify them for taking a part in the Administration, may never be placed on that Committee. The present mode, however, which is grounded on Practice, rather than on any express Law, is said to have its advantages; because, by means of it, a Director becomes practically acquainted with every branch of the Company's affairs, while he is not precluded, by being attached to a subordinate Committee, from affording to the Court the benefit of his more recent knowledge and experience. 270. 418. 297. 424.

As it is allowed that the Court of Directors certainly possess, upon some points, a detailed knowledge, which the Board of Control does not possess, under its present constitution, and with its present establishment, it is not contended that the Board would at once be competent to originate any but the more important Despatches, referring to general principles and the higher subjects of Government. On the authority of the writer of the Political History of India, it has been suggested, that one or two of the Commissioners should always be persons who have served either in the Military or Civil branch of the Company's service abroad. It is also suggested, that whatever the Board is competent to do through the medium of the Secret Committee, might be as well done by direct Despatches, emanating from a Secretary of State for India, addressed to the respective Governors abroad. 298. 264. 268.

It is considered that the reduction recently made in the Salary of the President of the Board, in consequence of which that situation offers a remuneration for talent and ability inferior to that afforded by many other appointments of the same class, is, upon public grounds, most objectionable. 269.

Local Government.

In reporting the Evidence relating to the Local Government, the Committee propose to give an outline, 1st, of its Constitution and Functions; 2d, its Operation, comprising its Efficiency and alleged Defects; 3d, Proposed Alterations and Improvements relating thereto.

There are three Presidencies, Bengal, Madras and Bombay. In Bengal the Government consists of a Governor General and three Councillors; and at Madras and Bombay of a Governor and the same number of Councillors. The Court of Directors, if they see fit, appoint the Commander-in-Chief at each of the Presidencies to a seat in the Council of the Presidency to which he is attached, in which event, he takes rank next to the Governor, as second in Council. There are two other Councillors, civilians, with the necessary subordinate functionaries. The Civil Members of Council must have resided ten years in India, in the Company's service. 172. 336. 178.

The Governor General has a supreme controlling power over the Governors of Madras and Bombay, who, under certain circumstances, may be

suspended for disobedience of orders. He has also the power, if he
339. 341. thinks fit, of proceeding to the subordinate Presidencies, and assuming the chief authority there.

According to the terms of the Act of 1793, the Governor brings forward in Council any business he thinks fit. The discussion upon it may be adjourned twice for 48 hours, but not longer, and then a decision must be pronounced; if the Members of Council accord with the views of the Governor, the decision becomes a measure of Government; if the Members of Council dissent from the Governor, they are to exchange opinions in writing, which are entered upon record. If the Governor still adheres
1450. to his own views, he is vested with the power of acting on his own
810. 814. 1685. responsibility, placing upon record his reasons for so doing, which are transmitted to this country, with Copies of all the Proceedings. From the operation of this independent power, legislation, and matters judicially before the Council, are the only exceptions.

To the powers of Governor General, those of Captain General have, on one occasion, been superadded. This is an appointment from the King, and confers the complete control over all Military Affairs.

305. The power therefore of making or enforcing Laws for the government of the respective Presidencies rests in four individuals, viz. the Governor General (the Governor in the cases of Madras and Bombay) and the three Members of Council, subject immediately, in some instances, to the consent of the Supreme Court of Judicature to register their Decree, and,
611. 613. 614. 1539. more remotely, to the approval and sanction of the King in Council, the Board of Control, and the Court of Directors.

The general Administration of Public Affairs is carried on by the means
870. 871. of Boards, the object of which is to relieve the Government from the burthen of details. At Calcutta, there are the Boards of Revenue, Salt and Opium, and Trade; and the Military, Marine, and Medical Boards:
872. 873. 874. At Madras, Medical, Military, and Revenue Boards: At Bombay no Revenue Board ever existed, and the Military Board was abolished by Sir John Malcolm.

960. 968. Concerning the system of Administration by Boards in general, it has
1448. 1449. been stated, that however plausible they may be in theory, and however
1783. 1789. useful Boards *might* be made, yet that practically they are inefficient: that they operate as clogs upon business, and that all that is professed to be accomplished by them, might be better attained by the agency of a single individual, is the uniform tenor of the Evidence adduced before the Committee.

With respect to Councils, it is argued, on the one hand, that as they are no check upon the Governor, in any case when he chooses to exercise
1607. his independent power, and as the Secretaries of Government and Heads of Departments might probably give him the assistance which Councillors now afford, they might be altogether dispensed with, and the Public at the same time lose no efficient check. On the other hand, it is contended, that they are extremely useful in arranging for the Governor the most
968. material points of Correspondence, and that they relieve him from a load of detail, and would relieve him still more if allowed to decide upon judicial and territorial matters upon their own responsibility; that, in short, as the Governor is, for the most part, totally unacquainted with Indian Affairs, the assistance of Councillors, of local experience and know-
1682. ledge, is indispensably requisite to enable him to discharge his duties.

The duties of the Governor General are those which appertain specially to the Presidency of Bengal, and those which relate to the supervision

and

and control of every functionary in India: and if it be true that the Local Administration of Bengal, more immediately confided to the Governor General, is sufficient to engage his whole time and attention, it must necessarily follow, that the still more important business of general Legislation, and general Control, is ill performed; and from this source, it is alleged, arises one class of the evils which pervade the Administration in India. Another class is alleged to have its origin in the nature of the Administration at Home, a system of checks, which operate as clogs on business, and occasion a disunion of authority, under which officers, having the same duties to perform, and the same objects in view, are split into distinct departments, often acting on opposite principles, and coming into perpetual collision with each other. 341. 1472. 1566.

It has been said, that one of the most important considerations for Parliament is the Improvement of the Government of India in India itself: with this view, and in order to meet the evils already adverted to, it has been proposed, to entrust increased powers to a Local authority by the establishment of one Supreme Government for all India, without the charge of any Local Administration, and by the appointment of Lieutenant Governors at the several Presidencies, with subordinate powers. Under this arrangement it would not be necessary to disturb existing boundaries, although it might be advisable to divide into two the extensive Presidency of Bengal. 1454. 266. 391. 266. 346. 365. 615. 619. 815. 842. 862. 1454. 1468. 1566. 1608. 1790. 1796. and 342. 344. 620. 622. [Appx. V. of Report of 1831.] 862. 863.

Against the adoption of these alterations, it has been urged, that the Local Government of Calcutta, as at present constituted, though it has some defects, is yet fully equal to the task of legislating for the Native Population; that the number of the Regulations passed by the Local Government, since the renewal of the Charter, is small when compared with that of the Laws passed in England during the same period; that it would be dangerous to remove the salutary checks which have hitherto existed in the control exercised by the Home Authorities; and that the business which, on the adoption of the New System, would unavoidably devolve upon the Supreme Government, would, from its extent, be unmanageable. 1450. 1349. 1350. 1351. 1539. 1544. 1340. 1341. 1541. 1544. 1604. 1696.

In contemplating the probable effect on the minds of the Natives, of any extensive change in the present Administration of India, it has been denied that it would be productive of any unfavourable result, or that it would make any impression whatever; their ideas of the Company being exceedingly vague, and their feelings of respect attaching entirely to the Executive power. 1473. 1476. 1583. 1584.

Law.

That the British sway has conferred very considerable benefit on India can hardly be doubted, since under our Government the people enjoy advantages which all history shows they never possessed under their own Princes,—protection from external invasion, and the security of life and property. If these benefits are not duly appreciated, it is because the demoralization, consequent on ages of anarchy and misrule, has rendered them insensible to the blessings of organized society; a state in which the justice and firmness of the governors are sure to become reasons for disaffection on the part of the governed, because they annihilate their hopes of individual aggrandizement and independence. Hence, with the exception of Bengal Proper, where a general feeling of protection is stated to prevail, the British tenure of India is, for the most part, a tenure of the sword, resting chiefly on the persuasion of our national power, and military strength and discipline. At the same time, it may be 1712. 1717. 770. 771. 1410. 1420.

1717. matter for attentive investigation, how far the exclusion of the Natives from places of trust and emolument, operates as a cause of discontent, and
1451. 1453. also how far the influence of the British Name in the Native States is converted by rapacious rulers into an engine of oppression.

The subject of the Legislative Power in India has already, in a great measure, been anticipated in the Summary of the Evidence respecting the
615. 619. 815. 842. Constitution and Powers of the Civil Government, and the proposed
862. 1454. 1468. Reform of the present system, by the establishment of a Supreme Author-
1566. 1571. 1608. rity, embracing Executive, Judicial, and Legislative Functions. It therefore only remains to pass under review the existing State of Jurisdiction and of the Courts of Law, the Modifications and Changes which might be beneficially introduced, and the principles which ought to regulate any new Legislative Enactments.

1662. There exist in India at the present time two concurrent, and in some instances, conflicting, systems of Judicature;—the Company's Courts, and the King's or Supreme Courts.

In the Company's Courts there are three grades of European Judges;
894. 895. the District, the Provincial, and the Judges of the Sudder Court. Of the Native Judges there are two classes; Moonsiffs, of whom there are several stationed in the interior of every district; and Sudder Ameens, established at the same station with the European District Judge. There are also Magistrates, who exercise Civil Jurisdiction under special appointment. The Registrars try and decide such causes as may be referred to them by the Judge.

367. The jurisdiction of the Supreme Court extends to Europeans generally, and, within a certain limit around the several Presidencies, to Natives also; but constructively, Natives not so circumstanced have, on many occasions, been brought within its jurisdiction. The jury system is confined entirely
1519. within the limits of the Supreme Court. It is made ground of complaint, that the Criminal Law is more severe than that administered beyond this boundary, while the Civil Law also is attended with an expense which has
1517. 1669. ruined most of the native families of distinction, and borne heavily upon Europeans.

No Regulation made by the Local Government, and affecting individuals
611. 613. 805. 806. within the jurisdiction of the Court, is valid, unless registered by the Court; a power which has in recent instances been freely exercised, and
1351. 1450. much beyond the local limits contemplated by the Act of Parliament.
366. 785. Hence collision has arisen between the Local Authorities and the Functionaries of the King's Courts, which has proved a source of great evil and of
369. serious embarrassment to the Government; nevertheless, objections exist to the abolition of the courts; while the remedies necessary to correct the evils attached to the operation of the present system are said to be abundantly obvious: 1st, by accurately and strictly defining the jurisdiction
1609. of the Supreme Court, or, 2dly, by the establishment of a general Legislative Council, or 3dly, by the appointment of Local Agents with the control of districts, as suggested by Sir Thomas Munro.

The power of Arbitary Deportation upon alleged charges, without trial,
571. 577. forms another important feature in the Local Administration of India; con-
610. 1510. cerning which it has become a question whether it might not be suppressed
1511. or modified by the introduction of Trial by Jury, without danger to the State.

750. 755. There is also important Evidence with regard to the Code of Criminal
1573. 1574. Law in force in the Provincial Courts; the reciprocal circumstances of Europeans

Europeans and Natives with respect to the Administration of Justice; the effects and tendency of the Judicial System actually in operation, as to the security of the persons and property of the Natives; and the expediency of subjecting Englishmen to the jurisdiction of the Provincial Tribunals. 370. 371. 376. 749.

On a large view of the state of Indian Legislation, and of the improvements of which it is susceptible, it is recognised as an indisputable principle, that the interests of the Native Subjects are to be consulted in preference to those of Europeans, whenever the two come in competition; and that therefore the Laws ought to be adapted rather to the feelings and habits of the Natives than to those of Europeans. It is also asserted, that though the Native Law might beneficially be assimilated to British Law in certain points, yet that the principle of British Law could never be made the basis of an Indian Code; and finally, that the rights of the Natives can never be effectually secured otherwise than by such amalgamation; by the appointment of an European Judge to every Zillah Court, with Native Judges as his assistants and assessors; and by the substitution of individual for collective agency. 1454. 1700. 1512. 1518. 1727. 585. 589.

The provisions for the promulgation of Ordinances and Regulations are described to be effective. 183. 188. 189. 1724.

NATIVES.

INTIMATELY connected with every plan for the good government of India, and for the introduction of ameliorating changes into the present system, is all that relates to the habits, character, and capacity of the Native Population. It appears that at present they are only employed in subordinate situations in the Revenue, Judicial, and Military Departments. They are said to be sufficiently observant of the practical merits and defects of our system; and to be alive to the grievance of being excluded from a larger share in the Executive Government, a disadvantage which is not considered as compensated by the increased security enjoyed under British protection, compared with the precariousness of all tenure under former Governments: it is amply borne out by the Evidence that such exclusion is not warranted on the score of incapacity for business, or the want of application, or trustworthiness: while it is contended that their admission, under European control, into the higher offices, would have a beneficial effect in correcting the moral obliquities of their general character; would strengthen their attachment to British dominion; would conduce to the better Administration of Justice; and would be productive of a great saving in the Expenses of the Indian Government. 689. 691. 1479. 1486. 1373. 1382. 490. 503. 510. 691. 399. 410. 487. 490. 658. 688. 778. 1373. 1382. 1572. 1733. 888. 893.

With a view to the more general identification of the Natives with the Government of India, the encouragement and cultivation of the English Language, to the greatest possible extent, is deemed by one Witness to be highly desirable. 702. 726.

A desire for the knowledge of European Science and Literature has, it is declared, been awakened in the Natives by the more recent extension and encouragement of Education among them; and it is urged that Moral and Religious Instruction is, in consequence, of imperious necessity for securing the improvement of their Moral Standard, and the advancement of their Political Character. 1913.

The proportion of the Hindoo Population to the Mahomedan is stated at eight to one. 1406. 1409.

The expediency of framing a Law for defining and regulating the Civil Rights of Natives, in the case of a change of Religion, is suggested. 896. 898.

1924. It is equally desirable, it is stated, to extend perfect toleration to the Native Christians, and to remove, as far as possible, any disability that can be shown still to exist to their prejudice.

1842. 1843. An interesting Sketch has been given of the State of Christianity in India in the early ages, and also of the Syrian Christians, who have received the greatest assistance and advantage from a College for the instruction of their Priesthood, founded by Colonel Munro, long resident at Travancore, the Students of which are stated, by a clergyman who examined them, to have made great progress in the Latin and Syriac Languages, and in other branches of Literature.

1844. 1848. The Roman Syrians have a College at Verapoly, for the education of about 50 Students.

848. 1849. The Roman Syrians and the pure Syrian Churches of Travancore are about equal in numbers, and amount each to between 60,000 and 70,000 souls.

1850. 1851. 1858. 1854. The failure of Roman-catholic Missionaries is acknowledged by themselves, and attested by other Witnesses; while the progress of the Protestants appears to be daily becoming more successful. Their judicious plan is to establish Schools, which they have effected both in the North and South of India. The number of Scholars in Bengal alone, amounts to about 50,000.

1854. This general diffusion of Instruction is producing the best and most salutary effect, not only on the children educated, but on the minds of their parents and neighbours. Female Schools have also been successfully established; at the different Missionary Stations there were, in 1823, nearly 1,200 female children, and that number has gradually increased to 3,000.

1856. The proficiency of the Native Catechists is also attested.

Ecclesiastical.

1859. 1908. It is stated, that the number of Chaplains at present in actual service is not sufficient for the wants of the people committed to their charge; and while, in several stations in the interior of India, the duties of a Chaplain do not employ the whole of his time, there are larger stations, such as Military Cantonments, where there is duty for two, if not for three, Chaplains. The want of additional Bishops is also pointed out.

1860. 1888. 1891. 1861. 1909.

While an efficient Church Establishment is recommended, co-extensive with the wants of the European subjects who may be members of that Church, and of such Native Christian subjects as shall be willing and anxious to attach themselves to it, perfect toleration, on the part of Government, to the labors of the Missionaries, is not less strongly recommended, care being had, at the same time, not to afford, on the part of the Government, any direct encouragement to the conversion of the Natives.

1920. 942.

Patronage.

73. 81. 307. 311. East India Patronage is vested partly in the Crown, partly in the Directors, and partly in the Governors and Council of the several Presidencies.

320. 323. The Board of Control has legally no share in the distribution of Indian Patronage; though, practically, the President of the Board, by an arrangement

rangement with the Court of Directors, has a share equal to that of one of the Chairs, or double that of a Director.

The Patronage exercised in India amounts to a very large share of the whole; but the distribution of it is recorded on the proceedings sent home, and it is liable to be vigilantly scrutinized by the Court, and by the Board. 679. 681. 1546. 1550. 1555.

Promotion is regulated on the principle of seniority as the general rule, and by selection, according to individual merit, as particular exigencies may require; but in the several Presidencies it is, generally speaking, confined to individuals within the Presidency. 929. 930. 954. 959. 1618. 1619. 864. 865.

No public responsibility attaches to the Patronage of the Directors; nor do the tests prescribed operate upon the exercise of it any more than the desirableness of obtaining competent persons operates upon the disposal of the patronage in Government offices in this country: Public Opinion is said to have as little influence in the one case as in the other. 667. 672.

The amount of Patronage is necessarily fluctuating, being regulated by the demand for Public Servants, arising from casualties or other causes. The number of Civil Servants at the three Presidencies is calculated at 1,100 or 1,200. 107. 660. 666. 1621. 1624. 438.

To the present mode of Nomination, it is objected, that it gives to India only an average amount of Talent, or one but a little above mediocrity. Though there does not appear in the Evidence any imputation upon the purity with which the Directors have acted in bestowing their patronage, it seems at the same time agreed, that the nomination by individual Directors is not the best mode of securing a high standard of Ability and Qualifications in the Civil Servants; this, it is considered, by one Witness at least, might be more surely obtained by public competition. On the other hand, an appeal is made to the high testimony borne by Mr. Canning to the zeal and ability of the Company's Servants, and also more generally to the history of India, in proof that they have hitherto possessed adequate abilities and qualifications. If a system of competition were acted upon, and if the Natives were more extensively appointed to Civil Offices, the amount of Patronage, it is stated, would be so abridged, that no separate body would be requisite for administering it; and though it might be objectionable to vest it in the Crown, it is suggested that it might be given to Public Schools and Universities, as the reward of talent and acquirement. What system of competition could be adopted so as to prevent all favouritism in the selection, is admitted to be deserving of serious consideration. An argument, brought forward by one Witness, against any plan different from the present, is, that checks could not be so effectually established to meet the abuses to which the exercise of such extensive Patronage at home and in India, is liable. In the event of the Patronage being taken away from the Court of Directors, a pecuniary compensation has been suggested. 652. 655. 84. 98. 476. 483. 104, 105. 315. 317. 326. 328. 389. 432. 920. 923. 1596. 1365. 1556. 1617. 682. 683. 924. 925. 1596. 1326. 1339. 1531. 1545. 1550. 1597. 1598. 1815.

The Committee have inquired into the state of Education in the Civil Service, and among the Natives of India.

1.—Education: Civil Service.

Concerning the Qualifications required from a Writer, previously to his appointment, the Evidence is not very specific; they are fixed by Regulations framed by the Court of Directors and the Board of Commissioners. On an average young men proceed to India at the age of 18: 22 is recommended as the most eligible age. 99. 105. 111. 116. 312. 313. 317. 377. 388. 629. 651. 913. 631. 764. 773. 923. 1521. 1526.

1828. 1829. 1830. 1832. [7 G. 4. c. 56.] 1833. 1834. 1835. 1612. 317. 1530. 377. 388. 429. 462. 475. 626. 628. 913. 919. 1563. 383. 632. 1357. 635. 676. 678. 485. 387. 642. 644. 1359. 1372. 1525. 430. 913. 914. 1363. 485. 486. 1369. 636. 1430. 448. 645. 651. 1369. 637. 641. 1564. 1565.

It is stated by the Principal, whose Evidence is very full and detailed, that the design of the East India College at Haileybury, which was established in 1806, was, to supply the great body of Civil Servants with an amount of qualification commensurate with the extent and importance of their functions in India, which qualification could not, at the time that the College was founded, have been otherwise procured. The nature of the combined Course of Study, the impracticability of acquiring it without a special Institution, more particularly for Oriental Literature, and the tests required of the parties nominated, all form subjects of Evidence. It is considered that it would be advisable to increase the age of Students, by admitting them between the ages of 18 and 22. The Act of 1826 is believed not to have answered the expectations of its authors, and to have shaken and mutilated the whole Collegiate System. The College, it is stated by the Principal, has had various difficulties to contend with, but has, in a great measure, fairly answered what could reasonably have been expected from it on its original foundation; and it is held that, with revised tests, and some modifications in its present machinery, it would be competent to stand even against the Universities of England, in so far as relates to the due Qualification of Civil Servants for India. The proficiency of the Scholars is well attested by those who have experienced its benefits and watched its progress. The capabilities are pointed out which the College possesses, of admitting alterations, so as to render the Education more efficient and satisfactory; and other modes of Qualification for the Civil Service are suggested. It is maintained that the Civil Servants have been better educated since the establishment of the College than they were before; and the fact, that the most important posts have been filled in India by those who have been most distinguished for proficiency at Haileybury, is adduced in proof of this opinion: while the tenor of other parts of the Evidence would show, that where the operation of the system has not been absolutely prejudicial to the habits and views of the Students, every object contemplated by the College, might have been more effectually obtained by other means.

On arriving in India, the young men of the Bengal Service enter the College at Calcutta, with the view of perfecting themselves in Languages, the elements of which have been acquired at Haileybury, where the education is of a more general nature. While at the College at Calcutta, they are maintained at the Company's expense. Of this Institution (which was from the commencement strongly objected to by the Court of Directors, on the score of expense) it is remarked, that "it has been a source of more debt than knowledge in the Civil Service, and an expensive establishment for the end proposed." It was not uncommon in former times for young men to leave the College with a debt of from 50,000 to a lac of rupees; but this evil may in part be attributed to the mode of appointment. The Institution has lately undergone a revision. It has been useful in providing books, by which the acquisition of the Native Languages has been greatly facilitated, but beyond this it is considered that the Institution is disadvantageous to the Public Service. If abolished, its buildings might be converted to Public Offices.

It appears that the Study of Languages is most readily promoted by sending the young men, directly on their arrival, into the Provinces, and attaching them to some Public Office, as was formerly the practice.

At Bombay there is no Institution corresponding to that at Calcutta. At Madras there is a Collegiate Institution, but no European Professors, as formerly at Calcutta; the Examiners are gentlemen in the Company's Civil Service, but they receive no pay. Proficiency in the Native Languages is made a condition of promotion.

With

With a view to raise the standard of attainment, and afford fuller scope for selection, not only is public competition in England recommended, but it is also proposed, with the same view, that the whole Service should be originally Military. Among other objections against this plan, it is urged that it evinces a total departure from the principles at present laid down by the Legislature for conducting the two branches of Indian Service. 656. 657. 765. 769. 774. 775. 1527. 1529.

2.—Education: Natives.

By the Act of Parliament of 1813, the Company are obliged, out of Surplus Territorial Revenue, to expend annually a Lac of Rupees in promoting the Education of the Natives of India; in some years less than that has been expended, but in others twice and even five times the stipulated amount. 395. 398. 695. 697. 936. 1534. 1538.

It is on all hands allowed, that the general cultivation of the English Language is most highly desirable, both with a view to the introduction of the Natives into Places of Trust, and as a powerful means of operating favorably on their Habits and Character; and that, moreover, a great partiality prevails in favor of the English Language and Literature, in both of which many Natives have made considerable progress; but that the subject has not hitherto met with that consideration and encouragement from the Government which its importance seems to merit. Though facilities might be multiplied at a small expense, there is a great want of proper Teachers; and in the Government Schools, with few exceptions, it is not taught at all. 939. 941. 1383. 1405. 392. 502. 1213. 1226. 937. 949. 953. 399. 410. 491. 702. 726. 1630. 1229, 1230. 949. 1495. 1628. 1632. 394. 500.

It has been suggested, that the most powerful stimulus would be, to make a certain degree of proficiency a condition of Qualification for Civil Employment. 714. 726. 939.

When, however, the immensity of the field is regarded, it is not to be concluded, that active steps have not been taken, however limited, for disseminating the benefits of Education among the Natives. Moslem and Hindoo Colleges have been established, or placed on a more efficient footing, in Calcutta, Delhi, Agra, and Benares. Schools have been established in other parts of the country; and Seminaries, founded by individuals, have received aid. For more full information on this interesting subject, the Committee beg to refer to the Memoir prepared by Mr. Fisher, of the India House, and to the Letters from the Court of Directors to their several Governments in India. 392. 692. 701. 935. Public Appx. (I.)

With regard to the Madras Presidency, it was proposed, by Sir Thomas Munro, to establish Native Schools in every Tehsildary. The Master was to be paid, partly by a Stipend from Government, and partly by Fees from the Scholars. If fully followed up, this plan might, to a certain extent, furnish the means of a common Education to the Natives. 492. 499. 518. 520. 1487. 1495.

On this head of Native Education, the Evidence is full and circumstantial.

Testimony has been adduced concerning the Acquirements and Abilities of the Anglo-Indian Population, concluding with a recommendation for the removal, in their case, of all invidious distinction, and exclusion from Office. 1237.

The Press.

The Evidence is detailed and circumstanstial respecting the state of the European and Indian Press; the Regulations relative thereto; and the subjects of Discussion, Correspondents, Circulation, Price, Transmission, and Postage of the Newspapers. The peculiarities which attach to the several Presidencies are remarked, and also the Discussions and Proceedings 590. 597. 972. 1000. 1050. 1070. 1071. 1117. 1147. 1165. 1173. 1174. 1184. 1071. 1117. 1159. 1247

ings to which Articles in the Journals, obnoxious to the Local Government, give rise.

1202. 1207. 861. 1209. 1212. The Native Press at Calcutta is under the same restrictions as the English Press there, but its operation is not very extensive. At Bombay it is perfectly free.

1071. 1208. 1154. 1164. 598. 610. The present checks on the Press lie in the withdrawal of the Government Licence, which is revocable at pleasure, with or without inquiry or notice; and in the power of Arbitrary Deportation. How far the existence of this power is necessary, in the present state of India, is amply discussed; and, with reference to the Offences of the Press, the possibility of obtaining a fair and impartial Trial by Jury is confidently asserted.

846. 861. 1148. 1153. On the one part, it is argued, that the free discussion of Government measures, by the Press, or otherwise, must be productive of good, both in maturing Legislative Enactments, and in controlling the conduct of Public Functionaries.

1633. 1644. On the other part, it is maintained, that the Freedom of the Press is inconsistent with the condition of the People, and incompatible with the nature of the Government.

Since the Evidence was taken, intelligence has been received of the removal of the Censorship at Madras.

Intercourse with India, and Settlement of Europeans.

Much valuable Evidence has been received upon this important subject in the Revenue, Judicial, and Commercial Departments of the Inquiry, as well as in the Public.

As early as 1766 the Court of Directors prohibited British-born Subjects from holding Lands, the prohibition being chiefly directed against their own Servants, who, about that time, were in the habit of holding public Lands and Farms. In 1783–84 it was stated, in a Report of the Committee of the House of Commons, that the Regulation was chiefly applicable to the Company's Servants, who, it was considered, might convert their influence and power to improper purposes, and that it ought not to be equally applicable to men not in the Company's service.

The Evidence shows, that as far as holding Lands in Farm, to a great extent the prohibition is merely nominal; Europeans hold them in the names of Natives, and in their names also they sue and are sued in the Courts.

These Lands are principally held for the cultivation of Indigo, which has improved of late years in Behar and Bengal, where the Factories are chiefly established. There are also a few in North and South Arcot, which are two of the principal Indigo Districts.

The introduction of Capital into these Districts, and the Employment of a great number of People, have been beneficial; but most of the Wit-
561. 563. 734. 755. 649. 1658. nesses do not recommend the uncontrolled and indiscriminate admission of British-born Subjects into our Indian Possessions. It is not doubted
566. 570. 744. 748. 756. 1001. 1004. that the skill, enterprize, and capital of Europeans might be made to confer important benefits upon the country in the development of its vast resources. The chief difficulty opposed to their free admission ap-
1001. 1007. pears to be considered to arise out of the defective state of the Judicial Establishments, civil and criminal. Facilities of Intercourse have of late
578. 584. years been greatly increased. License to proceed to India is said never to be withheld if the Applicant can show any reason for wishing to proceed

ceed to India other than mere speculation. Many instances have occurred in which a refusal on the part of the Court of Directors has been superseded by the Board of Control.

The Report of the Committee of 1813 shows that serious apprehensions were then entertained by some distinguished individuals, who had held high stations in India, that the opening of the Trade would lead to a dangerous influx of Europeans. But the Returns from 1815 to 1828 show, that in the space of 13 years, the increase of British-born Subjects in India, not in the service of the East India Company, does not exceed 515, and that these reside principally at the three Presidencies, or are employed on board the ships belonging to the respective ports. The Committee conceiving that the question of the admission of Europeans to hold lands in India is one which deserves the deep consideration of the Indian Government, and of the ruling authorities in England, have made selection of very important documents, with a view of assisting the judgment of the House in reference to the various alterations of system which are recommended in the Evidence. In these Papers the opinions of the Local Government will be found to be fully recorded.

In 1815,	total number -	1,501
In 1828	- ditto - -	2,016
		515

General Appendix.

II.—*Finance and Accounts—Trade.*

BEFORE Your Committee proceed to state the results of their Inquiries, it may be useful to offer a brief review of the principal Legislative Enactments which have heretofore passed, relating to the Financial and Commercial Concerns of the Company.

The Charter granted by King William the Third, in the year 1698, is the foundation of the privileges now enjoyed by the United East India Company.

The exclusive privilege of trading Eastward of the Cape of Good Hope to the Straits of Magellan, then granted, was confirmed by the Act of 9 & 10 Will. 3, c. 44, and was subsequently continued to them by successive Acts of Parliament, until 1794. In 1793, the Act of 33 Geo. 3, c. 52, was passed, by which the British Territories in India, together with the exclusive Trade, were, under certain Limitations, continued to the Company for the further term of 20 years. In 1814, the Trade with India was opened to the Public, and that with China, and the trade in Tea generally, was reserved exclusively to the Company.

The Capital Stock of the Company was originally £. 2,000,000. It was afterwards increased, under the authority of successive Enactments, as follows:—

In 1708	1,200,000
1786	800,000
1789	1,000,000
1794	1,000,000
Total	£. 6,000,000

Some of the portions of this Capital were raised at rates far exceeding their nominal amount. The sum actually subscribed in 1794 was 2,027,295 *l.*, and the whole amount which has been paid into the Company's Treasury for capital stock is 7,780,000 *l.*

7 Geo. 3, c. 57. The Legislative Enactments respecting the Territorial Possessions of the Company commenced in 1767. In that year it was agreed, between the Public and the Company, that in consideration of an annual payment of 400,000 *l.*, the large Territorial Possessions which had been recently obtained in India should remain in possession of the Company for the term of two years. This term was afterwards extended to five years more, from the 1st February 1769. The Sums paid to the Public under these two Acts were—

9 Geo. 3, c. 24.

In 1768	£. 400,000	–	–
1769	400,000	–	–
1770	400,000	–	–
1771	400,000	–	–
1772	200,000	–	–
1773	253,779	3	5 ¼
1775 (payable in 1773)	115,619	14	9
Total	£. 2,169,398	18	2 ¼

In 1773 the Company presented a Petition to Parliament, praying for relief. They solicited a Loan for four years, and a sum of 1,400,000*l.* was accordingly lent to them. Parliament, upon that occasion, first assumed a general regulation of the Company's Affairs. The Governor-General in Council, and the Supreme Court of Judicature at Calcutta, were established; the mode of electing Directors, and the qualification of Voters, were determined; an appropriation was made of the Revenues and Profits of the Company; the Dividend was regulated; and Statements were required to be rendered half-yearly to the Treasury of the Profit and Loss upon the Trade and Revenues, and of the Company's Debts in England, exclusive of their Bond Debt. 13 Geo. 3, c. 13 Geo. 3, c. 64.

The Loan of 1,400,000*l.* having been discharged, two other Acts were successively passed, by each of which the Territory was continued to the Company for one year. 19 Geo. 3, c. 61. 20 Geo. 3, c. 56.

In 1781 an Act was passed for continuing the Territorial Acquisitions and Revenues in the Company for a period terminating upon three years' notice, to be given after 1st March 1791. Under this Act the Company paid to the Public 400,000*l.*, in satisfaction of all claims up to 1st March 1781. 21 Geo. 3, c. 65.

In 1793 the same privileges were extended to the Company from 1794 until the year 1814. Under the provisions of this Act, the Company were to pay to the Public the sum of 500,000*l.* annually, unless prevented by war expenditure; but, owing to the state of their Finances during that period of continued hostilities, they were unable to make more than two payments, of 250,000*l.* each, in the years 1793-4 and 1794-5. 33 Geo. 3, c. 52.

On two occasions subsequently to 1793, pecuniary assistance was rendered to the Company by the Public, under the authority of the Legislature. In 1810, a Loan of 1,500,000*l.* in Exchequer Bills, was advanced to them, which was repaid soon afterwards by advances for His Majesty's service, made in India. In 1812, a Loan of 2,500,000*l.* was raised by Government for the service of the Company, in consequence of the large demands upon the Home Treasury for the payment of Bills of Exchange for principal of India Debt. This Loan was liquidated in part by annual payments, and the balance was discharged in 1822. 50 Geo. 3, c. 114. 52 Geo. 3, c. 135.

The payment of large Sums to the Company was occasionally authorised by Parliament during the period between 1794 and 1814, not in the way of Loan, but in repayment of Advances previously made by them in India on account of His Majesty's Service.

In the years 1810, 1811, and 1812, Select Committees of the House of Commons were appointed to inquire into the State of the Affairs of the East India Company. They presented five Reports on different branches of the subject referred to them. The First Report communicated evidence on the existing state of the Company's Affairs preceding the advance of 1,500,000*l.* in Exchequer Bills. The Second, Third and Fourth, were devoted to the Financial Affairs of the Company. The Fifth embraced several subjects, but principally treated of the Land Revenue and the Judicial System established in India.

In the Second Report, the Committee presented "a detailed Statement "of the *Ordinary Revenues and Charges* of the East India Company's "Territorial Possessions, and a comparison of the Amount of those "Revenues and Charges at the last renewal of the Company's Charter in "1793, with their Amount according to the latest advices which had "been received from India."

The Third Report treated of those Receipts and Disbursements in India which were termed *Extraordinary*, and of the Debts and Assets of the Company abroad.

In the Fourth Report, the Transactions of "the Home Concern," including China and St. Helena, were considered; and the state of the Company's affairs both at home and abroad was brought into one view, and compared with their state in 1793.

In all the Enactments down to that of 1793 inclusive, the Territorial and Commercial Affairs of the Company had been blended together as forming one undivided concern; and although the Revenues of the Company in India, and their Profits in Great Britain, had been separately appropriated, yet no direct provision had ever been made for accurately distinguishing, either in India or in England, those receipts and disbursements which were of a Political character, from those which properly appertained to the Commercial Branch.

The great difficulty which the Committees of 1810–11–12 experienced in the investigation of the East India Company's Financial Affairs arose chiefly from this circumstance, and is repeatedly adverted to in their Reports.

1813. Sects. 64 & 65. The Act 53 Geo. 3, c. 155, contains provisions which, by effecting a separation of Accounts between the two branches of the Company's affairs, appear to have been intended to remove this ground of difficulty for the future. It directs, that the Accounts of the Company, abroad and at home, shall be so kept and arranged, as to contain and exhibit the receipts, disbursements, debts and assets appertaining to, or connected with, the Territorial, Political, and Commercial branches of their affairs respectively; and that they shall be made up so as to exhibit the Accounts of the Territorial and Political departments separately and distinctly from such as appertain to, or are connected with, the Commercial branch of their affairs. It also directs, that a plan for the arrangement of the Accounts required to be laid before Parliament by the Act of 33 Geo. 3, c. 52, shall be prepared, and submitted to the Board of Commissioners for the Affairs of India for their approbation, and that the several Accounts required to be annually laid before Parliament shall be prepared and arranged in conformity to the principles of the Plan of Separation.

Appendix No. 1.

The appropriations made by the last-mentioned Act are as follow:

Sect. 55. The Territorial Revenues, after defraying the expenses of collection, are required to be applied,

1st. In maintaining Forces and Forts, and providing Warlike and Naval Stores.

2d. In payment of Interest on Indian Debt, including such portion of it as might be demanded in Bills on the Court; to meet which, provision is required at all times to be made by consignments or remittances to England.

3d. In defraying Expenses of Civil and Commercial Establishments.

4th. Towards the liquidation of the Territorial Debt, or of the Bond Debt at Home, or to such other purposes (subject to the provision afterwards mentioned) as the Court of Directors, with the approbation of the Board of Commissioners, shall direct.

Sect. 56. A sum is annually to be issued in India for Commercial investment, or remittance to England, equal to the payments made from the Commercial Funds at home, on account of Territorial Charges, in the year preceding.

Sect. 57. The Commercial Profits, and other home receipts, are to be applied,

1st. To the payment of Bills of Exchange.

2d. To

2d. To the current payment of other Debts (except the Home Bond Debt), Interest, and Commercial expenses.

3d. To the payment of Dividends.

4th. To the reduction of Indian Debt, or Home Bond Debt.

The 59th Section of this Act provides, that, when the Indian Debt shall have been reduced to 10,000,000*l.*, and the Bond Debt at Home to 3,000,000*l.* sterling, the surplus proceeds of Rents, Revenues and Profits shall be applied to the repayment of the Capital of any Public Funds created for the use of the Company; and that the remaining Surplus shall be paid into the Receipt of the Exchequer, and constitute a Fund (not exceeding 12,000,000*l.*) for securing the Capital Stock of the Company, and a Dividend of 10½ per cent. in respect thereof; and that, of the excess of such payments beyond 12,000,000*l.*, one-sixth shall be retained by the Company, and the remaining five-sixths be the property of the Public.

In consequence of the directions contained in the Act 53 Geo. 3, c. 155, a plan for the separation of the Accounts was prepared by the Court of Directors, and, after some Amendments, was approved by the Board of Commissioners.

A letter was addressed by the Court of Directors to the Governor General in Council, on the 6th of September 1813, containing instructions for carrying into effect the provisions of the Act. In reference to the separation of Accounts, it contains the following passage: "We cannot more distinctly explain our views of the construction of the Sections of the Act which have now been brought under notice, than by observing, that although the management of the whole, as one concern, remains with us, it is requisite that the Political Branch should be considered as an affair of Government, the Commercial as that of a Mercantile Transaction, and by debiting and crediting in Account the transactions between them in Advances and Supplies, as if they were absolutely distinct and separate concerns, so that Accounts of Receipt and Expenditure and Balance may be duly rendered by each respectively, in the way required by Parliament."

YOUR Committee have considered the Finances of India, since the last arrangement with the East India Company, in relation to

I.—The Territory of India.

II.—The connexion of the Territorial Finances with the Commerce of the East India Company.

I.—The Territory of India.

Under this head Your Committee have inquired, What have been the Revenues of India and the Subordinate Settlements, what the Charges, and what the Deficiency; From what sources, and in what way, that Deficiency has been supplied; and what are the Territorial Debts and Assets.

The East India Company are required, within the first 14 sitting days next after the 1st of May in every year, to lay before the Houses of Parliament, Accounts, Territorial and Commercial, made up according to the latest advices which shall have been received, and with as much accuracy as the nature of the case will admit. 33 Geo. 3, c. 52, s. 126. 54 Geo. 3, c. 36, s. 55.

Upon an examination of the Accounts laid before Parliament, under the Act 33 Geo. 3, c. 52, Your Committee were unable to reconcile the

different Financial Statements with each other. Although it was highly probable that many of the discrepancies were only apparent, yet, in order to obtain clear and satisfactory results, it was deemed necessary that all the intermediate Receipts and Disbursements, by which the alleged state of the Territorial Finances at the commencement of the present term might be traced to their alleged state at the end of it, should be clearly and satisfactorily explained, and the one made exactly to agree with the other.

It has been stated, and, Your Committee doubt not, correctly, that Accounts made up within the time which Parliament has thus prescribed, cannot exhibit such balanced Statements of Results as would preclude the risk of errors or omissions; and although it has been the practice to accompany the Accounts required by the Parliamentary Enactment with Abstracts of the Cash Statements of Receipt and Disbursement made up in India, yet it was not possible, without further information, to deduce from them full and complete Statements of the Financial Results.

Commercial and Territorial Series, Appendix, Nos. 3 and 4.

Appendix No. 2.

Under these circumstances, a new series of Accounts was called for; and these, together with some further explanations, having been supplied, a Report, drawn up under the direction of the Board of Control, in which it was shown that these Accounts had been reduced to the test of a balance, was laid before Your Committee. A Balance Sheet, together with an explanation of the principle upon which it is made out, will be found in that Report.

1. *Territorial Revenues.*

Appendix, Nos. 7, 8 & 9, to No. 2.

The Gross Revenues of the three Presidencies and the Subordinate Settlements, during the fifteen years ending in 1828–9, were as follows:

Bengal	£. 196,121,983
Madras	82,042,967
Bombay	30,986,970
	£. 309,151,920
Subordinate Settlements	821,505
TOTAL	£. 309,973,425
To this may be added a Sum received in 1815–16 from the Vizier of Oude in exchange for Territory	1,109,975
TOTAL	£. 311,083,400

The following Statement for the year 1828–9 will show the proportions in which the Revenue is derived from different sources:—Mint Receipts, 19,414*l.*; Post-Office, 135,617*l.*; Stamps, 368,431*l.*; Judicial, 126,464*l.*; Land Revenue, including certain small miscellaneous receipts, 12,895,366*l.*; Syer and Abkaree, 861,196*l.*; Small Farms and Licences, and Moturpha, or Tax on Professions, 152,780*l.*; Ceded Territory on the Nerbuddah, 457,923*l.*; Burmese Cessions, 117,326*l.*; Subsidies from Mysore, Travancore, and Cochin, 392,355*l.*; Salt, 2,700,147*l.*; Opium, 1,930,891*l.*; Tobacco, 85,128*l.*; Customs, 1,869,634*l.*; Marine, 77,787*l.*; Profits of the Madras Government Bank, 10,013*l.*; Extraordinary Receipts from Ava, Bhurtpore, and Scindiah, and from the Madras Native Pension Fund, 491,249*l.*; making the Total Revenue in this year 22,691,721*l.*

The

The Gross Revenues of India have progressively increased to a considerable amount. Their annual average amount, in the three last years of the term which expired in 1814, was 16,764,700 *l.*; the average of the three last years, up to 1828-9 inclusive, was 22,987,472 *l.* Papers presented in February 1830, by the King's command, No. 2, Appendix No. 11, to No. 2.

These sums, being stated in gross, are chargeable with the expenses incurred in the collection of the Revenue, in the manufacture of Salt and Opium, and in the payment of Stipends under the several Treaties and Engagements by which the Company hold the Territory, amounting to about five millions per annum. After deducting this sum, the remainder is the Revenue applicable to the Expenses of the Civil and Military Government, and the Interest of the Debt. Evidence before Lords, 1830, pages 113 & 517.

The Gross Revenue of India has been increased by the acquisition of new Territory; but improved and extended Tillage, enlarged Commercial Dealings, an increase of Population, the enactment of better Laws, more efficient management on the part of Government, new Stamp Duties, and a great increase in the demand for Opium in China, have all contributed to improve the Revenues. Appendix, No. 38.

The principal heads of Revenue have been generally productive.

The Land Revenue, which stands first in importance, has materially increased *. In the permanently settled Districts, or Lower Provinces, of Bengal, it has been progressively augmented by the cultivation of Waste Lands and other causes. In the Western Provinces there has been a large increase. At Bombay the amount has fluctuated; but in consequence of new accessions of Territory in the earlier years, there has been a considerable increase of receipt. In the more recent years, both at Madras and at Bombay, defalcations of some magnitude have occurred, owing to depression in the price of Grain. But the deterioration has not equalled the increase, since 1814, in the resources of the Bengal Provinces.

There has been a large augmentation of the Revenue arising from the Salt and Opium Monopolies; and the Revenue from Customs, although, from a variety of causes, it has fluctuated, has exhibited in the later years a steady improvement.

2. *Territorial Charges.*

These Charges consist of those defrayed in India, and those paid by the Court of Directors at Home.

The

* LAND REVENUE.

	BENGAL.		MADRAS.	BOMBAY.	TOTAL.
	Lower Provinces.	Western Provinces.†			
	£.	£.	£.	£.	£.
1814–15 -	3,320,817	3,590,835	3,790,224	472,074	11,173,950
1817–18 -	3,276,093	3,822,114	3,901,458	788,068	11,787,733
1820–21 -	3,373,385	4,198,303	3,781,601	1,794,240	13,147,529
1823–24 -	3,382,803	4,241,722	3,567,556	1,626,223	12,818,304
1826–27 -	3,408,917	4,350,853	3,700,773	1,894,604	13,355,147
1827–28 -	3,487,053	4,241,301	3,631,552	1,842,593	13,202,499
1828–29 -	3,479,128	4,093,909	3,669,409	1,625,886	12,868,332
1829–30 -	3,474,518	4,140,984	3,552,802	1,609,729	12,778,033

† This head in the Bengal Accounts does not include the receipts from the late acquisitions on the Nerbuddah and in the adjoining districts.

The Charges of the several Presidencies, and of the Subordinate Settlements, exclusive of those which were paid in England, during the 15 years ending 1828–9, were as follows:

Appendix, Nos. 7, 8 & 9, to No. 2.

	£.
Bengal	167,747,449
Madras	85,129,351
Bombay	46,970,709
	299,847,509
Bencoolen, Prince of Wales Island, Singapore and Malacca	2,893,792
St. Helena (net charge)	1,576,370
	£. 304,317,671

Papers of February 1830, No. 2.

The Gross Charges of the Indian Territory have augmented in a greater proportion than the Receipts. The Average Annual Deficiency, after defraying all Charges both abroad and at home, in the last five years of the Charter which terminated in 1814, was - - - £. 134,662

Appendix, No. 11, to No. 2.

In the next five years, ending 1818–19, it was - - 736,853
In the five years ending 1823–24 - - - - - 27,531
And in the five years ending 1828–29 - - - - 2,878,031

Papers of February 1830, No. 2.

—	Amount of Military Charge.	Increase, as compared with 1813–14.
	£.	£.
1813–14	7,039,047	—
1814–15	7,892,099	853,052
1815–16	8,917,723	1,878,676
1817–18	9,279,598	2,240,551
1818–19	10,451,856	3,412,809

Amount of Military Charge in 1822–23	£. 8,405,771
Diminution, as compared with 1818–19	2,046,085
Increase, as compared with 1813–14	1,366,724

Amount of Civil Charge:

1814–15 - -	£. 6,072,763
1818–19 - -	6,972,352
1821–22 - -	8,105,420
1822–23 - -	9,031,317

The Increase of Charge in the period from 1813–14 to 1818–19, was occasioned by the Military Expenditure incurred in the prosecution of the hostilities, commenced towards the end of 1814, against the Nepaulese, and in the subsequent operations against the Pindarrees and the Mahratta States.

The general peace which was secured by these operations enabled the Local Governments, during the four years ending in 1822–23 (the year preceding the Burmese War) to effect progressively an extensive reduction of Military Charge. But the large accession of Territory gained by the Company was attended with a material augmentation of the Civil Establishments; which, together with the increased amount of the annual Advances to the Manufacturers of Salt and Opium, occasioned a large addition to the Civil Charges of India.

The Charge for Buildings and Fortifications amounted, in 1814–15, to 217,589 *l.* In the subsequent years, to 1818–19, it progressively diminished: but in 1819–20, it increased to 270,085 *l.*; in 1821–22, to 296,226 *l.*; and in 1822–23, to 646,394 *l.* The apparent large increase of the last year, however, is in a great measure only nominal, the whole of the Charges actually incurred for Buildings and Fortifications not having been separately shown in the Financial Statements received from the Presidencies for any of the previous years.

The greatest increase in the Gross Charges took place in the four years ending in 1827–28. The deficit of these four years constitutes two-thirds of the deficit for the whole period from 1814–15 to 1827–28. The total average increase of Charge in those four years, as compared with 1823–24, was 4,529,494 *l.* Of this large increase, the part incurred in India was 3,827,158 *l.*; and the part incurred in England was 702,336 *l.* Of the part incurred in India, 1,108,251 *l.* was an increase of Civil Charge; 2,695,749 *l.*, an increase of Military Charge; and 23,158 *l.* the increased

Evidence before the Lords, 1830, page 10.

Interest

Interest on Debt*. The increase in the Civil Charges arose at the Presidencies of Bengal and Bombay, but principally at that of Bengal, under the following heads of Account: Embassies and Missions, including the Mission to Persia, and the payment of some Arrears of Subsidy; Provincial Battalions; the Ecclesiastical Establishment; the Contributions to Civil and Annuity Funds, to Schools and Charitable Institutions; and the Revenue and Judicial Establishments generally. The augmentation of Military Charge was caused by the Burmese War, the operations against Bhurtpore, and an increase in the number of King's and Company's Regiments in India. The augmentation of the Charge incurred at Home was caused by an increase of the Sums issued for Officers' Pay on Furlough and Retirement; by increased Expenses for King's Troops serving in India; and by an extraordinary increase in the quantity of Territorial Stores supplied to India.

The Average Annual Amount of the Gross Charges of the Indian Territory, in the last three years of the former Charter, was 16,500,030*l.* In the three years ending in 1827-28, it was 25,902,817*l.*

Papers of February, 1830, and Continuation Papers, March 1831.

Indian Charges and Interest, of the Three Years 1811-12 to 1813-14	£. 45,303,996
St. Helena	260,100
Home Charges	3,935,995
Total	£.49,500,091
Average	£.16,500,030

The proportions of this Increase applicable to the Civil and Military Departments respectively, to the manufacture of Salt and Opium, to the Interest of Debt, and to the Expenditure incurred in England, are as follows:

	AVERAGE of Three Years, ended 1813-14.	AVERAGE of Three Years, ended 1827-28.	INCREASE.
	£.	£.	£.
Civil, Revenue, Judicial and Marine, including Ceded and Conquered Countries, and Supplies to Bencoolen and St. Helena	5,804,369	8,305,065	2,500,696
Advances for Salt and Opium, and Charges	708,660	1,291,434	582,774
Military	6,954,674	11,731,092	4,776,418
Buildings and Fortifications	224,864	724,291	499,427
Interest on Debt	1,495,460	1,748,513	253,053
Political Charges in England	1,311,998	2,102,422	790,424
£.	16,500,025	25,902,817	9,402,792
The Average Annual Charge of Ceded and Conquered Countries, during the same periods, was	2,160,723	3,276,356	1,115,633

The following Statement will show the proportions of Charge for the three Presidencies, including the Ceded and Conquered Countries, in each of the Departments comprised in the first head of the above Account, for the year 1827-28.

Land Revenue, Sayer and Abkaree, 3,817,551 *l.*; Customs, 220,123 *l.*; Stamps, 91,126 *l.*; Mint, 62,032 *l.*; Post-office, 137,262 *l.*; Civil Establishments, &c. 1,911,123 *l.*; Judicial, 1,786,257 *l.*; Marine, 349,389 *l.*; Total, 8,374,863 *l.* The Interest on Debt was 1,920,532 *l.*

After

* The Evidence from which these Statements are drawn was delivered before the last series of adjusted Accounts had been prepared. The sums here inserted represent, therefore, an approximative, rather than the actual, proportions of Charge.

Letter in Territorial Finance Department, 12 Dec. 1827, Parliamentary Paper, No. 199, 1830.

Papers of February, 1830, No. 2.

After Peace had been concluded with the Burmese, the Court of Directors issued positive orders for the immediate reduction of Expenditure in India. The financial result of 1823–24 was referred to for the purpose of comparison, and the Charges of that period were assumed as the standard to which the existing Charges were to be reduced. The great improvement that had taken place in the financial results of the three preceding years (exhibiting an average surplus of 728,196*l.*) arose chiefly from causes of an extraordinary nature. For the year 1823-24 the Accounts exhibited a deficiency of 860,862*l.*; but this was occasioned by an extraordinary payment of 1,201,201*l.* to the Nizam, in redemption of an annual peishcush or tribute of 72,072*l.* The Revenue of the year was of fair average amount, and the charges had been so little affected by the commencement of the Burmese war, that they might be considered as those of a year of peace.

Extraordinary Payment	£.1,201,201
Actual Deficit - -	860,862
Surplus in 1823–4, over Ordinary Charges -	£. 340,339

In the orders that were issued, a Statement was drawn out, showing that, according to the standard of 1823–24, an immediate reduction upon the Indian Expenditure, as estimated for 1826–27, to the extent of 2,924,155*l.*, would be necessary. The difficulty of carrying these reductions into effect was considered to be outweighed by the embarrassments which an excessive Expenditure must occasion. The financial character and condition of the Bombay Presidency were pointed out as peculiarly calling for improvement.

Rupees 2,55,50,275
Bengal, £.1,423,640
Madras 434,858
Bombay, 1,065,657

These orders, although extensively acted upon, have not yet been fully carried into effect. It has been recently shown by the Accountant-General of Bengal, that on a comparison with the Expenditure of 1829–30, a further reduction of 80,73,063 rupees, or, at the Board's rates, about 919,290*l.* remains to be effected.

See Appendix, No. 5.

Of this excess the proportion belonging to the respective Presidencies is as follows: The Charges of Bengal were lower than in 1823-24 by 103,644*l.*; the Interest on Debt was higher by 314,537*l.* The Charges of Madras were higher than in 1823-24 by 251,891*l.*; the Interest higher by 49,406*l.* The Charges of Bombay were higher by 402,319*l.*; the Interest higher by 4,781*l.* The reduction, therefore, requisite at each Presidency, supposing reduction to be practicable according to the scale of their respective Establishments in 1823–24, would be, in Bengal, 210,893*l.*; at Madras, 301,297*l.*, and at Bombay, 407,100*l.*

Appendix, No. 6.

On a comparison of the Expenditure of 1829–30 with the estimated Expenditure of future years, it has been computed that, when all the reductions now ordered and in progress shall be carried into full effect, the sum of 80,73,063 rupees, or 919,290*l.* above shown, may be diminished by about 25,80,000 Rupees, or 287,170*l.*, leaving an extent of reduction to be still effected, in order to fulfil the orders of the Court of Directors, amounting to 54,93,063 Rupees, or 632,120*l.*

The causes which have led to the increase of Charge are characterized by the Court of Directors in the following terms:

Territorial Finance Letter to Bengal, 19 May 1830. Lords' Paper, 151 of 1830.

"We have contemplated with much solicitude the present very unsatisfactory state of your Finances, and we have carefully and minutely examined the causes which have led to it. We observe that it has been brought about, less by the pressure of occasional and extraordinary Expenditure, than by continual progressive augmentations of Charge in every Department, which, viewed separately, may have appeared, at the times they were made, to have been justifiable; but which, taken in the aggregate, have occasioned a large excess of Disbursement beyond the resources

resources from which alone such Charges ought to be defrayed. The great amount of that excess has absorbed every accession or improvement of Revenue, however considerable, has increased your Debt, and has left you burthened with a heavy deficit."

Two Finance Committees, one Civil and one Military, were appointed in 1828, by the Supreme Government in India, to revise the Expenditure and Establishments of the Three Presidencies.

The Civil Finance Committee were directed to inquire into the Civil Establishments in the General, Judicial, Revenue, and Marine Departments. With some few limitations, they were left free to push their inquiries to the utmost extent to which they might consider it necessary or expedient to carry them. See Instructions and Reports of Civil Finance Committee, General Appendix.

The Military Finance Committee were, upon similar principles, and with few exceptions, directed to embrace in their inquiries all matters connected with Military Finance.

Considerable reduction of Charge was effected in consequence of these inquiries; and in addition to the Military retrenchments made in India, the Court of Directors issued Instructions for a specific reduction of the Army. The whole of the Military reductions, it is estimated, will produce their full effect in the year 1832–33; and it has been stated that the Army will then not only be reduced below the Peace Establishment prior to the Burmese War, but will not much exceed its strength in 1813, before the Nepaul War, notwithstanding the extension of Territory that has taken place since that period. Considerable reductions of Civil Expenditure were also ordered by the Court. Evidence before Lords, p. 525, 5701 of 1830. 5697, of 1830.

A Statement will be found in the Appendix, showing, in detail, what are the reductions of Indian Allowances and Establishments (Civil, Marine, and Military,) ordered by the Court and the several Local Governments, since the close of the year 1827–28, distinguishing, as far as can be done, such as were to have immediate, from those which it was intended should have only prospective, effect; and a further Statement, showing the estimated effect of those measures of reduction which have been recommended by the late Civil Finance Committee, whether of those adopted, or of those which have been rejected, or are still under consideration. Appendix, No. 7.

In reference to the future Charges in India, it has been observed, that hitherto the Expense incurred in putting down internal Insurrection has been small, and that the chance of War seems to be greatly diminished. Formerly the British Territory was so distributed that it surrounded, and was surrounded by, a hostile country: now there is no enemy, properly so called, within the whole Peninsula of India. 57 to 71. 303 to 305, of 1832.

On the other hand, it is to be considered that the reductions which have been ordered are computed according to a scale of expenditure adapted only to a state of peace, both with European and Indian Powers.

The Territorial Charges in England:

These consist of Payments made on account of Passage of Military, Pay to Officers, including Off-reckonings, Political Freight and Demurrage, Pay-Office demands for King's Troops serving in India, Retiring Pay, Pensions, &c. to King's Troops, Political Charges General, (including the Political Charge for the Establishments at the India House, the Board of Control, Haileybury, Addiscombe, Chatham, &c.;) Miscellaneous Expenses on Account of Prince of Wales Island, Singapore, &c.; Charges of the Tanjore

Appendix to Lords' Evidence, 1830, p. 524.

Commission, Absentee Allowance, &c. to Civil Service, Territorial Stores, and Charge of St. Helena.

Evidence before the Lords, 1830, p. 11; Coms. 184, 1154, 1438, 1962, of 1832. Appendix, No. 22. & B. 2, of No. 23.

Conflicting Evidence has been given as to the possibility of effecting material reductions in these Charges, and of transferring them to India. Upon an annual average of 15 years they have been shown to amount to 1,693,472*l.* In 1828–29 they amounted (including a Payment to Persia) to 2,080,459*l.*; in 1829–30, to 1,837,110*l.*; in 1830–31, to 1,553,599*l.* They are estimated for the future at 1,730,000*l.*

Commercial Series, No. 9.

Other Payments on account of India to a considerable amount are made by the Home Treasury, which do not constitute an additional charge upon the Revenues, a corresponding charge being brought to account in India. These consist of Bills of Exchange drawn upon the Court in discharge of the Interest, and occasionally of the Principal, of Debt in India, and on account of the Effects of deceased Officers, which are remitted from India; Advances to Retiring and Compassionate Funds for the various Branches of the Service, which are repaid by the Funds in India, &c.

The whole of the Interest upon the Territorial Debt, and upon the Debt due to the Creditors of the late Nabobs of the Carnatic, whether paid in this Country or in India, is brought to account in India.

Papers of February, 1830, No. 21.

	£.
In 1827–28 the portion of Interest upon Territorial Debt which was paid in this Country, was	522,438
In 1828–29	640,570

Parliamentary Paper, 1832, No. 518.

It has since risen to 904,761*l.*; but in consequence of measures adopted to limit the demand on England, is estimated to be reduced to about 700,000*l.*

Nearly the whole of the Interest upon the Carnatic Debt is demanded in this country. This arises from the Interest having been made remittable to this country at an exchange of 8*s.* the Pagoda.

Evidence before Lords, 1830, p. 27. Papers of February, 1830, No. 21.

	£.
In 1827–28, the amount was	113,482
In 1828–29	89,771

Papers of February, 1830, No. 21.

During the whole period from 1814–15 to 1828–29, the amount of Bills of Exchange paid for Interest of India Debt, was 9,563,315*l.*, or on the average 637,554*l.* per annum; and the amount of Bills paid for Principal, was 4,891,593*l.*, or on the average 326,106*l.* per annum. The amount of Advances to various Funds, paid in 1828–29, was 153,855*l.* The remittances of Effects of deceased Persons were, in the same year, 60,109*l.*

Commercial Series, No. 9.

Certain receipts into the Home Treasury, of a Political character, have from time to time been applied to the discharge of the Bills of Exchange above-mentioned. These consist of Bullion remitted from India, Receipts from His Majesty's Government on various accounts, &c.

Papers of February, 1830, No. 21.

In the 15 years these Receipts amounted to 7,216,331*l.*, or on the average 481,088*l.*

Army and Navy.

See Military Appendix.

The expenses of the King's Regiments serving in India, which are defrayed in this Country, are repaid to His Majesty's Government by the East India Company, and constitute part of the "Territorial Charges in England" above adverted to. The number of King's Troops in India to be charged upon the Territorial Revenues is however limited to 20,000 men, unless, upon the requisition of the Court of Directors, that number is augmented. An additional sum of 60,000*l.* per annum is also paid to the Public by the Company on account of the Half-pay and Pensions of such of His Majesty's Troops as have served in India. The expense of the King's Naval Force employed in the Indian Seas is paid

53 Geo. 3, c. 155, s. 87. 4 Geo. 4, c. 71.

by

by the Public; but if it is augmented upon the requisition of the Court of Directors, the expense of such augmentation is chargeable upon the Territorial Revenues. 7 Geo. 4, c. 52.

Financial Transactions with the Public.

The new East India Company, established under the authority of the 10 Will. 3, advanced to Government, at the time of their incorporation, the sum of 2,000,000 *l.*, at eight per cent. interest. In 1708, the Joint Company lent a further sum of 1,200,000 *l.*, without interest. In 1744, the Company agreed to lend 1,000,000 *l.* at three per cent. to Government, on their exclusive trade being continued to 1783. In 1749, the Company were empowered to raise money, towards the discharge of their Bond Debt, by the sale of Annuities to the amount of the Debt due from the Public to the Company. The sum of 2,992,440 *l.* 5 *s.* was accordingly sold. This sum, together with 1,207,559 *l.* 15 *s.*, being the residue of the Debt of 4,200,000 *l.*, was, by the 33 Geo. 3, c. 47, placed under the management of the Bank, and engrafted upon the Three per Cent. Reduced Annuities. 6 Anne, c. 17. 17 Geo. 2, c. 17. 23 Geo. 2, c. 22.

By the 7th section of this Act it is provided, that, if the Company shall retain their share of the Annuities, or any part thereof, until their exclusive trade be determined by the authority of Parliament, the amount so retained shall be paid off at par. The amount retained by the Company is 1,207,559 *l.* 15 *s.*, which, accordingly, they are entitled to receive at the close of the present arrangement. Interest is now paid by the Public upon this amount.

The Account between the Public and the Company, finally adjusted in the year 1822, had no reference to the above-mentioned Annuities. At that time the demand of the Company on the Public, arising out of various expeditions undertaken against the French and Dutch Islands, the Cape of Good Hope, &c. together with supplies to the King's Service in India, amounted, without Interest, to 11,277,828 *l.* The credit claimed by Government was 9,291,940 *l.*, also without Interest. After some discussion, it was agreed to close the Accounts by a payment of 1,300,000 *l.* from the Public to the Company. This sum was applied in part discharge of the Loan of 2,500,000 *l.* made by the Public to the Company in 1812. The Loan, however, had no other connexion with the Account between the Public and the Company which is now the subject of remark. The sum of 557,322 *l.*, necessary to redeem the remainder of that Loan, was paid by the Company; and an Act was passed, discharging them of all future claims in any way relating to it. 3 Geo. 4, c. 93. Appx. No. 8.

As the Debts of the Company have never been reduced to the prescribed limit, no payment has been made into the receipt of the Exchequer under the 59th section of the Act of 1813. On the other hand, no application has been made to the Public, since that year, for pecuniary assistance.

3. Territorial Deficit.

In consequence of the large Surplus of Revenue which has been realized in Bengal, there has been, for the fifteen years ending in 1828-29, notwithstanding the deficit at the other two Presidencies, a Surplus of Revenue over such Charges as are brought to account in India, amounting to 604,281 *l.* for the yearly average, or 9,064,228 *l.* * for the whole period; but this is exclusive of the Expenses of the Subordinate Settlements, and of all the Home Charges. Appendix, No. 11. to No. 2.

Appendix, No. 2.	
Total Revenue -	£. 309,151,920
Total Charge -	300,087,692
	£. 9,064,228

In

* Territorial Series, Introductory Statement.

Total Revenue -	£. 196,121,983
Total Charge -	167,747,449
(Appendix, No. 7 to No. 2.) -	£. 28,374,534
Total Revenue -	£. 82,042,967
Total Charge -	85,129,351
(Appendix, No. 8 to No. 2.) -	£. 3,086,384
Total Revenue -	£. 30,986,970
Total Charge -	47,210,892
(Appendix, No. 9 to No. 2. -	£. 16,223,922

In Bengal the Surplus has amounted to an annual average of 1,891,635*l.*, or, for the whole period, to 28,374,534*l.*

At Madras the Deficit has amounted to an annual average of 205,758*l.*, or, for the whole period, to 3,086,384*l.*

At Bombay the Deficit has amounted to an annual average of 1,081,595*l.*, or, for the whole period, to 16,223,922*l.*

The Treasuries of Bombay and Madras have been supplied by Remittances from the Bengal Treasuries. The amount of these Supplies is stated in the Books of the three Presidencies, as follows:

Territorial Series, No. 7, A, B, & C.

		£.
Bengal: Net Supplies to Bombay and Madras - -		20,626,883
Bombay: Net Supplies received - -	£. 18,007,659	
Madras: Net Supplies received - -	2,197,429	
		20,205,088
Unadjusted differences in the Books of the three Presidencies		£. 421,795

The Accounts for the Subordinate Settlements exhibit a deficiency of Revenue to meet the Charges.

Appendix, No. 1. to No. 2.

At Bencoolen, Prince of Wales Island, Singapore, and Malacca, there was a deficiency on the annual average of 138,152*l.*, or, for the whole period, of 2,072,287*l.*

Appendix, No. 1. to No. 2.

At St. Helena, the deficiency has been, on the annual average, 105,091*l.*, and for the whole period, 1,576,370*l.*

Territorial Payments	£. 16,509,118
Political Stores -	7,316,594
(Appendix, No. 10 to No. 2.) -	£. 23,825,712

The Territorial Payments in England (exclusive of those entered under the head of St. Helena) chargeable upon the Revenues of India have been, on the annual average, 1,588,381 *l.*; and, for the whole period, 23,825,712 *l.*

Net Supplies to Bencoolen, &c.	£. 2,072,287	
Net Charge of St. Helena -	1,576,370	
Territorial Payments in England -	23,825,712	
	27,474,369	
Deduct, Surplus Revenue in India	9,064,228	
(Appendix, No. 11 to No. 2.)	£. 18,410,141	

From the foregoing Statements it appears that, upon a comparison of the ordinary Revenues and Charges, there has been a Deficit, amounting, on the annual average, to 1,227,343*l.*; for the whole period, to 18,410,141*l.*

It appears that there have been other outgoings of an extraordinary nature, which are stated as follows:

			£.
Appendix, No. 5 to No. 2.	Miscellaneous outgoings not included in Charges, chiefly arising from the difference in the Rates of Exchange at which Bills for Principal and Interest of India Debt were actually drawn, and those realized in England by Treasure and other remittances effected for their discharge - - - - - - - - -		993,903
Ditto, No. 2 to No. 2.	Repayment to the Public: Loan of 1812 - - -		3,017,172
Territorial Series, Introductory Statement.	Unadjusted Debits and Credits between the Presidencies - - - - -	421,795	
	Ditto - between the several Treasuries subordinate to Madras - - -	289,968	
			711,763
	Carried forward - - £.		4,722,838

Brought forward - - £.		4,722,838	
Bills for Interest of India Debt, drawn antecedently, but paid subsequently, to the commencement of the Company's present Term - - - - - -	£. 1,396,913		Commercial Series, No. 11.
Deduct Bullion per Stirling Castle, shipped antecedently, and arrived in England subsequently, to the commencement of the Company's present Term - -	324,015		Ditto.
		1,072,898	
		5,795,736	
Deduct, Bills not due on the 30th April 1829, and not therefore included in the Account between the two Branches -		1,152,966	Ditto.
		4,642,770	
To which add the Deficiency above stated - -		18,410,141	
Total Deficit - - - £.		23,052,911	

The extraordinary resources, by the aid of which this Deficiency has been supplied, are stated to be as follows:

Money received on Loan in India - - - -	17,289,864	Territorial Series, No. 6.
Surplus Profits applied to the Payment of Bills of Exchange for Principal of India Debt - - -	2,256,182	Commercial Series, No. 3.
Advances by Commerce to Territory in England, as directed by 53 Geo. 3, more than was repaid in India, forming a Debt due by Territory to Commerce -	3,036,578	Ditto, No. 7. Ditto, No. 10.
Short Credit by Commerce to Territory in India, as explained in No. 10, Commercial Series - -	129,919	Ditto, No. 11.
Balance due from His Majesty's Government at the commencement of the present Charter, set off in Account Current between the Company and the Crown - - - - - - - - -	2,112,113	
	24,824,656	
Deduct the Total Deficiency above stated - - -	23,052,911	
Excess of Extraordinary Resources - - - £.	1,771,745	

The above excess has occasioned an increase of Cash in the Indian Treasuries, viz.

Cash Balance in India, 30 April 1814	£. 5,548,476		Territorial Series, No. 7. D
Ditto - - - - 30 April 1829	- 7,320,221		
Increase of Cash Balance - -		1,771,745	

From this Statement it may be seen that of the Territorial Deficiency of 18,410,141 *l.*, and the Miscellaneous Outgoings of 993,903 *l.* (making together 19,404,044 *l.*), there has been raised by borrowing, 14,642,431 *l.* *; and

	£.
* Money raised on Loans and Deposits in India, including £. 2,666,839 Surplus Profit	17,289,864
Deduct surplus Profits made available in India - - - - - - -	2,666,839
	14,623,025
Borrowed from the Commercial Branch - - - - - - - - - -	3,036,578
	17,659,603
Loan of 1812 paid off - - - - - - - - - - - - - - -	3,017,172
Money raised by borrowing, or difference between Debt incurred and paid off Carried forward - - £.	14,642,431

Commercial Series, No. 3.

and by the direct application of Surplus Commercial Profits, 4,923,021 *l.*, making in the whole 19,565,452 *l.*, and leaving an increase of Territorial Assets of the amount of 161,408 *l.*

Of the deficiency, therefore, for the whole period, about one-fourth has been directly supplied by Commercial Profits, and nearly three-fourths by Money Borrowed. On the annual average, the Money raised by Borrowing has been 976,162 *l.*; and by direct application of Surplus Commercial Profits, 328,201 *l.*

4. *Territorial Debts.*

These consist—1st. Of the Debts in India; 2d. Of the Debts in England.

1st. *Territorial Debts in India.*

The amount of the Debt in India was as follows, in the years 1792, 1809, 1814, and 1829, respectively:

	Debt at Interest.	Floating Debt.	Total.
	£.	£.	£.
2d Report, 1810, Appendix, No. 7. / Papers of February, 1830, No. 3. — On 30th April 1792	7,129,934	2,012,786	9,142,720
— 1809	27,089,831	3,722,610	30,812,441
Appendix, Nos. 17 & 18. — 1814	26,970,786	3,948,834	30,919,620
— 1829	39,377,880	7,877,494	47,255,374
The increase of Debt in 1829, as compared with 1792, was therefore	32,247,946	5,864,708	38,112,654
As compared with 1814, the increase was	12,407,094	3,928,660	*16,335,754

Explanations have been offered as to the general character of the Debt in India, and the principal changes by which of late it has been affected; and

			£.
Brought forward			14,642,431
Surplus Commercial Profit			4,923,021
			19,565,452
Expenditure			19,404,044
Increase of Assets (as explained below)		£.	161,408
Due from Government in 1814	£. 2,112,113		
Short Debit to Commerce in India	129,919		
Bullion per Stirling Castle	324,015		
	2,566,047		
Bills drawn before 1814	1,396,913		
Bills not due 30th April 1829	1,152,966		
	243,947		
Increase of Cash and difference between the Presidencies,	2,483,508		
	2,727,145		
Increase of Assets	£. 161,408		

* This Sum comprises the Amount of Debt of every description which was incurred on account of the Territorial Branch in India during the period above stated, and consequently differs from the Sums mentioned in Page 39 as the Amount of Debt incurred, the latter being solely confined to the Debts on account of which Cash was actually received into the Company's Treasuries.

and a Statement is inserted in the Appendix, showing the Amounts of the various descriptions of the Debt of India, with the Rates of Interest they respectively bear, and also the Dates at which each denomination will be liable to be paid off. Appendix, No. 9.

It appears that the Territorial Debt owing by the East India Company, at their several Presidencies in India, consists of two descriptions; viz. 1. The Debt at Interest, which is principally composed of Registered Debt, or Sums which have been raised on Loans, and of Treasury Notes; and, 2. The Floating Debt, or Debt not at Interest, consisting, for the greater part, of Arrears of Salaries and Allowances due to Civil Officers, of Pay due to the Military, and of Deposits.

That part of the Debt at Interest which is termed the "Registered Debt," consists of Sums raised from time to time on Loan at Interest, and secured by Bonds granted to the Creditors by the Governor General in Council, (numbered and repayable by a fixed rule regulated by the order in which they are registered,) wherein the amount borrowed is declared to be a Loan to the East India Company, and an engagement is given, for and in behalf of the Company, to discharge the Sum under certain conditions. None of those conditions, however, give to the Creditors any direct claim on the Territorial Revenues of India for the repayment of the Sums thus advanced by them. The first creation of the Registered Debt does not appear to have been directly authorized by the Charter of the East India Company, or by Act of Parliament; but subsequent Enactments of the Legislature have fully recognised it, and in a manner which it is supposed has given to the Creditors a claim on the Territorial Revenues of India for repayment of the Money advanced by them to the Company. Appendix, No. 19, p. 265.

The Amount which the Promissory Note engages to repay has, with few exceptions, been the same with that actually received by the Government.

Before the year 1808, a large portion of the Principal of the Registered Debt, bearing interest at the rate of 10 and 8 per cent. per annum, was payable, at the option of the Proprietors, in Cash in India, or by Bills on England. In consequence of orders from the Court of Directors, the Bengal Government, in the course of the years 1808 to 1810, effected a change in this Debt, by which none of the Principal could any longer be demanded in England; and the Interest, although remaining as before payable in India, or by Bills on the Court at 2*s.* 6*d.* the Sicca Rupee, was reduced to 6 per cent. Transfers of upwards of Thirteen Millions sterling were made, under the terms offered by the Government, into the New 6 per Cent. Securities; 3,365,000 *l.* was demanded in Cash of the Local Governments; and 6,502,000 *l.* in Bills on the Court. It was for the purpose of meeting this demand upon the Home Treasury that the Company borrowed money from the Public in the years 1810 and 1812. 3d Report, 1811, p. 372.

1810, £.1,500,000
1812 - 2,500,000

In 1812, under the terms of a New 6 per Cent. Loan, the option of demanding Payment of the Principal by Bills on England was partially restored. The Interest remained payable as before; so that, as respected Interest, the whole of the Proprietors of the Registered Debt of India, down to the year 1821, possessed the privilege of demanding the Payment of their Interest, either in Cash in India, or by Bills on the Court of Directors at the exchange of 2*s.* 6*d.* the Rupee. The great Reduction Appendix, No. 10.

which occurred in 1820-21, in the Mercantile Rate of Exchange*, for Bills drawn in India on this country, rendered it highly advantageous to the Loan Proprietors to avail themselves of this privilege, and require Payment of their Interest by Bills † on the Court.

In order to obviate the loss and the inconvenience to the Home Treasury arising from this cause, the Bengal Government effected, in 1821, a transfer of a large portion of this Debt into a 6 per Cent. Loan, the Principal and Interest of which were payable in India alone.

Appendix, No. 11.

In 1822, the Government again effected a material alteration in that portion of the Registered Debt the Principal of which was payable by Bills on the Court. The Principal was made irredeemable during the present term. After that period, and upon 15 months previous notice, the Loan may be discharged in Cash, or in Bills upon the Court at 2*s.* 6*d.* the Sicca Rupee, and 12 months date. The Interest was made payable in England, only to such of the Proprietors as should be resident in Europe; and the rate of Remittance was reduced to 2*s.* 1*d.* the Sicca Rupee. The sum of 3,240,463 *l.* was demanded on this occasion in Bills upon the Court, of which, however, 245,653 *l.* was afterwards reinvested. The amount transferred into the New 6 per Cent. Securities was 8,666,615 *l.*

Appendix, No. 12.

Territorial Series, No. 4.

These several measures have had the effect of converting the Registered Debt of India into what is now generally distinguished by the appellation of the "Remittable" and the "Non-remittable" Debt.

The Remittable Debt now solely consists of the Loan of 1822.

In respect to the Non-remittable Debt: In 1823, the Interest upon a large portion of the 6 per Cent. Debt, which in 1821 was deprived of the optional remittance of its Interest, was reduced to 5 per cent. Of the Loan of 1821, 10,638,000 *l.* was converted into New 5 per Cent. Debt, and the remainder, above 4,640,000 *l.*, was paid off in Cash. The Creditors resident in Europe were allowed, during the pleasure of the Court of Directors, the option of receiving their Interest by Bills on the Home Treasury, at the exchange of 2*s.* 1*d.* the rupee.

Evidence before Lords, 1830, pages 13 & 27.

Evidence before the Lords, 1830, pages 27 & 28.

In September 1824, a 4 per cent. Non-remittable Loan was opened; but in May 1825, a Loan at 5 per cent. Interest was opened, to which the Proprietors of the 4 per cent. Loan were allowed to transfer their Paper, on condition of an equal amount being subscribed in Cash; and nearly the whole of the 4 per cent. Debt was so transferred. In July 1828 a new 4 per cent. Non-remittable Loan was opened; but a small sum only was subscribed to it.

Appendix, Nos 13 & 14.

Appendix, No. 15.

The Remittable Loan Paper has borne a premium in the India market, varying from 23 to 40 per cent. By the last advices it was 38 per cent. The Non-remittable Loan Paper has usually varied from a few rupees above to a few below par. It has latterly been at a premium varying, according to the order in which the securities might be discharged, from 6 to 1 ¼ per cent.

Importance

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* Bills on London, at six Months sight, per Sicca Rupee:

1813, at 2/6 and 2/7.	1818, at 2/7 ½.	1822, at 1/11 ½.	1826, at 1/11.
1814, at 2/7 and 2/9.	1819, at 2/6.	1823, at 1/10 ½.	1827, at 1/10 ½.
1815, at 2/8.	1820, at 2/3.	1824, at 1/11.	1828, at 1/10 ½.
1816, at 2/7.	1821, at 2/0.	1825, at 2/0.	1829, at 1/10 ½.
1817, at 2/6 ½.			

† Paid by the Court on account of Bills for Interest of India Debt in -

1819–20	£. 355,514
1820–21	678,988
1821–22	1,562,522
1822–23	1,419,587
1823–24	620,132
1828–29	640,570

Papers of February 1830, No. 21.

Importance has been attached, on various grounds, and especially with regard to the demand for interest in England, to the proportion in which the Debt of India is held by Natives. From a Report of the Accountant-General of Bengal, dated 23d May 1831, it would seem, that of the Registered Debt of India, amounting at that time to 30,774,092 *l.*, a sum of 7,860,102 *l.* was held by Natives, and 22,913,990 *l.* by Europeans. Appendix, No. 16.

In the earlier years of the period since 1814, a large increase of the India Debt at Interest was incurred. This was occasioned chiefly by the extensive Military operations which were directed against the Nepaulese, the Pindarrees, and the Mahratta States. After the cessation of these hostilities, reductions were made in the Debt for several successive years. Papers of February 1830, No. 4.

The total augmentation of Debt in the six years, from 1814–15 to 1819–20, amounted to 8,940,703 *l.*

Increase of Debt at Interest	£. 6,799,522
Ditto - Floating Debt	- 2,141,181
	£. 8,940,703

In the year 1816, a sum of 1,109,975 *l.* which had been procured from the Nabob of Oude in the preceding year, on Loan at 6 per cent. interest, was commuted for a portion of the Territory acquired from the Nepaul State. Papers of February 1830, No. 1, (A).

The net reduction of Debt which was effected in the years 1820–21 to 1823–24, amounted to 5,294,357 *l.*

Papers of Feb. 1830, No. 4, and continuations and Lords' Paper, No. 50, of 1832.

Reduction of Debt at Interest	£. 7,333,486
Augmentation of Floating Debt	2,039,129
	£. 5,294,357

The large and unprecedented Expenditure which was incurred in the prosecution of the War with the Burman Empire, and the reduction of the Fortress of Bhurtpore, occasioned a rapid increase in the Registered Debt of Bengal from the year 1824-25 to 1827-28. In this period, the net increase of Debt was 13,007,823 *l.*

Increase of Debt at Interest	£. 13,137,879
Decrease of Floating Debt	- 130,056
	£. 13,007,823

In the subsequent year, 1828–29, the net increase of Debt was 220,695 *l.*

Decrease of Registered Debt	- £. 278,422
Increase of Floating Debt	- 499,117
	£. 220,695

2d. *Territorial Debts in England.*

These Debts consisted, on the 1st May 1814, of

	£.	£.
Bills of Exchange, drawn on the Court in liquidation of the Principal and Interest of India Debt, unpaid	1,396,914	
Balance due to the Public on account of Loan of 1812, including Interest	2,294,123	
Warrants passed the Court, unpaid	9,000	
Total Debts in England, 1st May 1814	£.	3,700,037

Appendix, No 17.

On the 1st May 1829, they consisted of

Bills of Exchange, drawn on the Court in liquidation of the Principal and Interest of India Debt, unpaid	1,152,966	
Balance due to His Majesty's Government on account of Pay-Office demands, &c.	630,605	
Balance due on account of Territorial Stores provided for consignment to India	54,711	
Unclaimed Prize Money applicable to Lord Clive's Fund, under Act 1st & 2d Geo. 4	68,287	
Balance due to the Commercial Branch, including Interest,	4,631,906	
Warrants passed the Court, unpaid	78,646	
Total Debts in England, 1st May 1829, subject to considerable adjustment in respect to the Balance due to the Commercial Branch		6,617,121
Increase of Territorial Debt at Home in 1829	£.	2,917,084

Appendix, No. 18.

5. *Territorial Assets.*

		£.	£.	£.
	The Territorial Assets Abroad consisted,			
	On the 1st May 1814, of			
Appendix, No. 17.	Cash and Bills	5,802,703		
	Stores, including Salt and Opium	4,193,514		
	Debts, including arrears of Revenue and Balances due from Purchasers of Salt and Opium	2,821,998		
			12,818,215*	
	On the 1st May 1829, they consisted of			
Appendix, No. 18.	Cash and Bills	7,367,296		
	Advances made in England to several Public Institutions, to be repaid in India	87,429		
	Stores, including Salt and Opium	6,922,217		
	Debts, including arrears of Revenue and Balances due from Purchasers of Salt and Opium	8,748,064		
			23,125,006	
	Increase in Territorial Assets Abroad in 1829		£.	10,306,791
	The Territorial Assets at Home consisted,			
	On the 1st May 1814, of			
Appendix, No. 17.	Balance due from His Majesty's Government on account of Expeditions, &c.	3,178,215		
	Stores consigned to Prince of Wales Island	31,244		
	Treasure from Madras	280,000		
	Dead Stock in India	400,000		
			3,889,459	
	On the 1st May 1829, they consisted of			
Appendix, No. 18.	Cash in hands of Officers at the India House	3,670		
	Stores for consignment, &c. to India	473,556		
	Advances to Individuals in India, to be repaid in England	26,149		
	Balance due from His Majesty's Government for Supplies furnished in India and at the Cape of Good Hope	98,432		
	Carnatic Stock belonging to the Company	34,037		
	Value of College at Haileybury, and of Seminary at Addiscombe	177,220		
	Dead Stock in India	400,000		
			1,213,064	
	Decrease in Territorial Assets at Home in 1829		£.	2,676,395
	Net Improvement in Territorial Assets Abroad and at Home in 1829		£.	7,630,396

6.—*Result*

		£.
* Amount of Assets in 1814		15,212,135
Deduct, Old Balance claimed of Government, written off	£. 960,000	
Balance due from Nabob of Arcot and Rajah of Tanjore, previous to the acquisition of their Territory, written off	1,433,920	
		2,393,920
	£.	12,818,215

6. *Result of Territorial Debts and Assets.*

	£.	£.
The Increase of Debt in India in 1829, as compared with 1814, has already been shown to amount to -	16,335,754	
And the Increase of Debt at Home, in the same period, but subject to considerable adjustment as above stated, to - - - - - - - - - -	2,917,084	
Making the Total Increase of Debt in 1829 - - £.		19,252,838
The Increase of Assets in India in 1829, as compared with 1814, is shown to have amounted to - -	10,306,791	
And the Decrease of Assets at Home, in the same period, to - - - - - - - - - -	2,676,395	
Leaving the Net Increase of Assets in 1829 at - - £.		7,630,396
The Balance of the Territorial Branch therefore is more unfavourable in 1829, in this view, by - - -		11,622,442
And if to that Amount is added the sum of 4,923,021 *l.*, which was directly applied during the period to the liquidation of India Debt from Surplus Commercial Profits, and without which aid the Balance of the Territorial Branch would have been, to that extent, more unfavourable - - - - - - - - - -		4,923,021
The Deterioration would amount to - - - £.		16,545,463

It may be proper here to refer to the valuation of what is termed the Company's Dead Stock in India, an estimate of which is usually added to the Accounts periodically prepared of their "Stock per Computation." These Estimates embrace a head of Buildings and Fortifications, and another of Plate, Household Furniture, Plantations, Vessels, Stores, &c. which last includes Guns on the Ramparts, Arms, and other articles of Military Service. The Amounts inserted under each head are very large, but as the greater part represent rather the Sums expended upon the Articles than their actual value, which expenditure has been already for the most part charged upon the Revenues, it may be sufficient in this place to notice, that Property of the above description exists in India, belonging chiefly to the Territorial, and partly to the Commercial Branch, which is not included in the "Assets," the computed value of which has just been shown.

Appx. Nos. 17 & 18.

3d Report (1811), Appx. No. 25. Papers of February 1830. Nos. 18 & 19

II.—The Connexion of the Territorial Finances with the Commerce of the East India Company.

The Finances of India have derived advantage from their existing connexion with the Commerce of the Company, 1st, Through the direct application of Surplus Commercial Profit; 2d, By the Rates of Exchange at which the Board of Control decided that the Territorial Advances from Commerce in England should be repaid to Commerce in India; and, 3dly, In consequence, as it is alleged, of the Remittances from India, annually required for the payment of those Territorial Charges which are defrayed in England, having been made through the Company's Commerce.

1. *Application of Surplus Commercial Profit.*

53 Geo. 3, c. 155, s. 58.

Any amount of Profit which may remain after the Dividends have been paid constitutes that Surplus Commercial Profit which is applicable by Law to the discharge of India Debt or of Home Bond Debt.

Appendix, No. 26.

1814-15	1,267,658
1815-16	477,643
1816-17	413,786
1817-18	1,008,675
1818-19	1,287,170
1819-20	243,553
1820-21	522,855
1821-22	959,058
1822-23	229,579
1823-24	329,151
1824-25	720,097
1825-26	342,448
1826-27	132,274
1827-28	134,447
1828-29	22,261
1829-30	3,596
1830-31	41,316
£.	8,135,567

The whole amount of Surplus Commercial Profit which has been realized, from the 1st May 1814 to the 1st May 1831, is 8,135,567 *l.* A statement is added in the margin showing the amount for each year.

The Court claim the right, under the 57th section of the Act, to propose the appropriation of Surplus Profits only to such extent, and at such times, as may appear to them consistent with the interests of the concerns committed to their superintendence. They have usually retained a considerable Balance unappropriated, in order, as they have stated, to make provision against unforeseen losses in subsequent years, and in consequence of their being so much in advance to the Territorial Branch, by payments in England on that account. The amount remaining unappropriated at the end of the year 1828-29 was, according to the principle of calculation adopted by the Court, * 2,724,013 *l.*

The following Table shows the manner in which the Appropriations for each year have been made:

Appx. No. 11 of No. 19.

	HOME BOND DEBT.	INDIA DEBT: Payment of Bills of Exchange for Principal of Debt.	INDIA DEBT: Consignment of Bullion to India, in aid of Sinking Fund.	INDIA DEBT: Sum directed by the Financial Letter to Bengal, June 1821, to be advanced to the Sinking Fund.	TOTAL.
	£.	£.	£.	£.	£.
1814-15	196,200	329,704	-	-	525,904
1815-16	136,300	318,382	-	-	454,682
1816-17	-	477	-	-	477
1817-18	12	200	-	-	212
1818-19	-	98	1,000,537	-	1,000,635
1819-20	-	-	166,302	-	166,302
1820-21	-	6,285	-	-	6,285
1821-22	-	10,576	-	1,500,000	1,510,576
1822-23	1,100	25,500	-	-	26,600
1823-24	75	1,396,842	-	-	1,396,917
1824-25	—	—	—	—	—
1825-26	712	-	-	-	712
1826-27	-	3,950	-	-	3,950
1827-28	-	82,103	-	-	82,103
1828-29	-	82,065	-	-	82,065
1829-30	-	75,778	-	-	75,778
1830-31	—	—	—	—	—
£.	334,399	2,331,960	1,166,839	1,500,000	5,333,198

* Commercial Surplus Profits in excess of Payments, *vide* No. 3 of Appx. 3 (in which the Amount in 1827-28 and 1828-29, shown above, has been adjusted) £. 2,764,810
Deduct, Loss on Sunn Hemp, provided for the Public service, D° No. 4 to D° 40,797
£. 2,724,013

2. *The Board's Rates of Exchange.*

At the period of the commencement of the Company's present term, the following Rates of Exchange had long been generally used in the conversion of Indian into Sterling Money, in the Accounts laid by them before Parliament, as well as in other of their Statements; viz. Correspondence between the Board and the Court, Appx. No. 20.

	s.	d.
Bengal Sicca Rupee (16 per cent. better than the Current Rupee at 2 s.)	2.	3.84
Madras Rupee (3 ½ Rupees to the Pagoda, at 8 s.)	2.	3 3/7.
Bombay Rupee	2.	3.

These rates were at that period appointed by the Board of Control to be used in the separated Accounts between the Territorial and Commercial Departments. The use of them has been repeatedly objected to by the Court of Directors, on the ground that, as they were higher than those which result from a comparison of the metallic value of the respective currencies of India and England, and higher of late years than those actually current, they give not only a false view of the Revenues of India, but a view equally false of the state and out-turn of the Company's Commerce. Appendix, No. 1. Appendix, No. 20. 5749 of 1830.

It is at the same time admitted by the Company, that to whatever extent the surplus of their Commercial Profits is applicable to Territorial purposes, the Territory might, if the Rates of Exchange at present in use were lowered, obtain, through that medium, the benefit which it now derives through the medium of the Rates of Exchange.

The Board of Commissioners for the Affairs of India have, however, on the grounds of the fluctuating price of Silver in this Country, of the convenience of calculation, and of long-established usage, and in consideration likewise of the favourable rate at which that portion of remittance effected through the China Trade has been made, required an adherence to the Rates originally prescribed.

While the British Currency was depreciated, these Rates, as compared with the Mercantile Rates, as well with respect to the remittances direct from India as those through China, were favourable to the Commercial Branch; but since the restoration of Cash Payments, the value of the Shilling has increased, the Exchange with India has altered more than one-fourth, and they are now, in so far as respects the remittances direct from India, losing Rates to the Commercial Branch.

The advantage derived by the Territory from the use of these Rates, to the close of the official year 1828–29, according to the computation of the Company's Accountant General, amounts to 5,154,135*l.*, exclusive of Interest, which he calculates at 941,880*l.*; together, 6,096,015*l.* Appendix to Commons' First Report of 1830, p. 111.

These calculations proceed upon the supposition that no part of the Funds issued in India in repayment of the Advances in England was remitted through China, but that the whole was liquidated by bills of exchange drawn in London upon India at 60 days sight, at the rate of exchange prevailing in London, augmented by the addition of six months' interest. But a calculation has been laid before this Committee, showing that, if the Indian rates of exchange, deducting six months interest, were applied to these calculations, the result would be 1.481 *d.* the rupee less than that of the Accountant General, or 1,646,712*l.*; and that, as the interest would be diminished in a corresponding proportion, the indirect advantage to the Territory, in this view, would be reduced from 6,096,015*l.*, as estimated by the Accountant General, to 4,148,632*l.* Appendix, No. 2.

3. *Remittance of Territorial Funds.*

It has been seen that, for the amount of those Territorial Charges which are defrayed in this Country, the Company, in its Commercial capacity, is entitled to a Credit on the Treasuries of India, and Remittances are made at the time, and in the mode, prescribed by instructions from England.

Evidence before Lords, 1830, p. 9.

The Territorial Charges, for which Remittances must be annually made from India to England, are stated to have amounted, on the average, to 3,000,000 *l.* These Remittances are effected principally by payments to the Commercial Branch, for the purpose of investment in Goods in India or China, for exportation to Europe. It appears that the whole of the Advances made in India for the purchase of Investments for Europe, from 1814–15 to 1826–27 inclusive, amounted to 30,545,069 *l.*, of which 24,338,050 *l.* is computed to have been issued in repayment of Territorial Charges defrayed in England, and 6,207,019 *l.* to have been issued from Commercial Funds in India. The Sums issued from the Commercial Funds being considered as applied entirely to the purchase of part of the Indian Investments, the Payments from the Territorial Funds are supposed to have been distributed as follows: 13,862,909 *l.* applied to the purchase of Indian Investments, and 10,475,141 *l.* to Investments in China. The amount of the Remittances annually made from the Territorial Funds, through the medium of the India and the China Trade, has much increased in the period subsequent to 1821–22.

See Account, No. 13, of Finance Papers of Feb. 1830.

5723–4, of 1830.

—	India Trade.	China Trade.	TOTAL.
	£.	£.	£.
Average Annual Investment from Territorial Funds, 1814–15 to 1821–22	879,726	667,416	1,547,142
D°, 1822–3 to 1826–7	1,365,020	1,027,162	2,392,182

Territorial Charges	£. 1,730,000*
Interest on Debt and other demands	1,000,000†
	£. 2,730,000

The Sum which it will be necessary to remit to England in 1834 is estimated at 2,730,000 *l.*; of which 250,000 *l.* is the computed Amount of Bills for Interest of India Debt, payable only during the pleasure of the Home Authorities. The total demand, exclusive of that Sum, would be 2,480,000 *l.*

In reference to the means of effecting this Annual Remittance, questions have been raised as to the probable consequences of discontinuing the present union of Trade and Government.

Evidence before Lords, pp. 12, 329; Coms. 4338, 4892, 4895, 4897 to 4904, of 1830; 1405 to 1412, of 1832.

It is alleged, on the one hand, that formerly, and upon an average for the whole period since 1814, the Company have remitted through their Trade more advantageously than if they had resorted to Private Bills; that the price of such Bills might be raised by combination on the part of the Merchants; that Bullion Remittances would create inconvenience and pecuniary distress; that to take security upon Cargoes would be attended with expense, and that the Government would require a Mercantile Agency; that the capacity of India to yield profitable Returns for British Commodities is checked by the necessity of making so large a Government Remittance, irrespective of the ordinary course of Trade; that the Territory would be subjected to considerable loss in accomplishing that Remittance; and that a peculiar importance attaches to the command of the China Trade, as the channel through which nearly half the Remittances to England have been effected.

Evidence before Lords, 1830, p. 327. 3490 to 3507, of 22 March 1830; 4841, 4849 to 4854, of 1830; 1850 to 1852, 2212

On the other hand, opinions have been confidently expressed, that no material difficulty would exist in making the Remittances in question independently of the Company's Trade; that three modes of effecting that object would then be available: viz. 1st. the Remittance of Bullion; 2dly,

* *See* Appendix, B. 2. to No. 23.

† *See* Appendix to Minutes of Evidence, 1830–31, p. 173.

2dly, the Purchase of Bills on England from Merchants in India at the Bullion price, (1*s.* 11½*d.* to 2*s.* per Sicca Rupee*), accompanied by a security on their Bills of Lading, and, if necessary, by depositing the Goods with the Government until the Bills are paid; and, 3dly, The sale to Merchants in England of Bills on the Indian Treasuries:—That the Imports from China as well as India (about five millions and a half sterling), furnishing the means of making the Remittances, no evil effect is to be apprehended from combination among the Merchants to raise the price of Bills, as the Government might resort to the alternative of remitting Bullion whenever Bills were not procurable at the Bullion rate; and that, if the exportation of Bullion proceeded to an inconvenient extent, a re-importation would follow, and the evil would thus produce its own remedy:—That the necessity of realizing in England a large amount for the use of the Territory has not prevented the growth of a profitable Export Trade from this country to India; and that such an effect is not to be anticipated, the resources of India being sufficient to furnish the means of exchange for European productions, in addition to the amount of Exportation required for Political purposes.

to 2231, 2347 to 2350, 2364 to 2408, of 1830–31; 2855 to 2860, of 1831; 233 to 301, 306 to 309, 1282 to 1447, 1798 to 1837, 1869 to 1877, 1941 to 1943, 1950 to 1955, 1991 to 1994, 2488 to 2498, of 1832. Commercial Appendix, No. 4.

4. *Account between the Territorial and Commercial Branches.*

The state of the Account between the two Branches has, from the importance which has been assigned to it, engaged much of the attention of this Committee, as well as of the previous Committees of Inquiry. To whatever extent the whole of the Property at present vested in the East India Company, Commercial as well as Territorial, may be considered in strict law responsible for all their outstanding obligations in India and in England, yet, in the event of the cessation of their Territorial Administration, it appears probable that they would claim, in their Commercial capacity, to be relieved from a large proportion of those obligations, and at the same time to retain a large amount of Property.

Statements connected with this Account, prepared by the Company's Officers, have been from time to time laid before the Committees engaged in the present Inquiry.

Much conflicting Evidence was adduced, before the Committee of 1830, upon the subject of the real or supposed advantage which, previously to the year 1794, one branch of the Company's Affairs obtained at the expense of the other. On one hand, it was contended that, during the period in question, Commerce derived considerable benefit at the expense of Territory; on the other, that Territory derived considerable benefit at the expense of Commerce.

5671 to 5673, of 1830; 2862 to 2905, 2917 to 2956, 2968, 4432 to 4492, 4526 to 4533, 4796 to 4822, 4855 to 4912, of 1831.

Evidence and opinions not less conflicting have been offered as to the state of the Account between the two Branches during the Company's last term. Statements have been drawn out by different parties, in opposition to those of the Company, with a view to the determination of the question, which, it has been contended, differ each from the others, as well in point of principle as in their details and results. In the Report† which has recently been laid before Your Committee, these controversies having been reviewed, and the statements made of the Accounts having been compared with the views contained in the Third Report of the Committee of the House of Commons of 1810–12, it is contended that those Statements are insufficient for the objects which the framers of them had in view.

5671 to 5675, of 1830; 2906 to 2916, 2921 to 2956, 2958 to 2970, 4493 to 4533, 4796 to 4801, 4823 to 4836, 4900, 4913 to 4938, 4945 to 4949, of 1831. Evidence before Lords, 1830, pp. 12 and 328. Appendix, No. 25. † Appendix, No. 2.

Your Committee will not attempt to draw any conclusion from these conflicting statements and opinions. On which side the evidence preponderates, or whether it rests upon grounds too remote and uncertain to

* *Vide* 1284 of 1832.

to be now applied to any practical purpose, and whether, therefore, any future separation of interests between the two Branches must be determined by other considerations than those upon which these different Statements have proceeded, Your Committee feel that it does not rest with them to determine; and that they shall best discharge their duty by merely calling the attention of the House to the view which is taken of these controversies in the Report to which they have already referred.

53 Geo. 3, c. 155, s. 64.
Appx. No. 1.

The separation of the Accounts between the two Branches during the present Term, agreeably to the provisions of the Act of 1813, was effected, as has been already shown, in conformity with a plan prepared by the Court of Directors, and approved by the Board of Commissioners, in the year 1814. The separation, as prescribed by the Act, was understood to apply only prospectively, and the plan of Accounts was framed in that view. It regulated the mode of stating the transactions subsequently to the 30th April 1814; but it did not embrace the apportionment of the Property of various kinds, and of the Debts, existing at that date, which could only be determined by a reference to the specific character of the financial transactions of a previous period.

33 Geo. 3, c. 52, s. 108.

With a view to commence the separate Accounts of the two Branches, the Court of Directors ordered a division to be made of the Debts and Property, upon the principle, that the India Register Debt, which had been declared by Parliament in 1793 to be Territorial, but had largely increased since that period, was still entirely Territorial; that the Indian Assets were of similar character; and a few heads of small amount only, both of Debt and Asset, classed in the Indian books as "Commercial," were carried to the Commercial Account. As to the Property at Home, the whole of it, including the Cash in the Home Treasury, and the Property afloat (with a few exceptions) being found in a Commercial form, or embarked in the Company's Trade, was directed to be carried to the credit of the Commercial Branch.

The Debts existing at Home were also debited to that Branch, with the exception of the Home Bond Debt, which it has been usual to consider of doubtful character, and which was not carried to the account of either Branch.

The exceptions to the apportionment of the Home Property above described were, that Bills running on the Court for Principal and Interest of India Debt, the Loan of 1812, raised for the discharge of similar Bills, and a sum in Treasure, on its passage from India (in the Stirling Castle) which was afterwards applied to the same purpose, together with the Debts and Credits outstanding between His Majesty's Government and the Company, and the article of Political Stores, were carried to the Account of the Territorial Branch.

Papers of February 1830, and their continuation in 1831 and 1832.
Commercial Series No. 7.

The Stock thus divided was carried to account in the Stock Accounts in India, and in the Books at Home, and appears in the statements of Stock per Computation occasionally presented to Parliament. The current transactions between the two Branches, arranged according to the plan of 1814, are recorded in two Accounts also before Parliament (numbered 1 and 2); the first showing, on one side, the Payments * made in England for Territorial purposes, under the 56th Section of the Act of 53 Geo. 3, c. 155; and on the other, the Repayments made by the Territorial Branch in India in issues for Commercial Investment: the second Account showing, on one side, the Bills of Exchange paid for Interest of India

* These Payments are enumerated in the Appendix to the Lords' Report of 1830, No. 1, A.

India Debt, noticed in the 55th and 58th Sections of the Act, as also those for Principal of Debt not discharged out of Surplus Profits; and on the other side, the Funds remitted from India for the Liquidation of such Bills, whether in Bullion on Territorial Account, or through Transactions with His Majesty's Government, or by the purchase of Bills from Private Merchants.

According to the view taken by the Court, the Balance of the first of these Accounts, on the 30th April 1829, was 1,543,619 *l.* in favour of the Territorial Branch; and the Balance of the second, or that applicable to Bills of Exchange, 4,580,197 *l.* in favour of the Commercial Branch. The difference between the two constitutes a Net Balance of 3,036,578 *l.* due to the Commercial Branch. App. 3 & 4 to No. 2. Correspondence between the Board and the Court, Appendix, No. 21.

5. *Home Bond Debt.*

This Debt is composed of Securities issued by the Company under their Common Seal, upon which they have from time to time been empowered by Act of Parliament to borrow Money to a limited extent. The Bonds cannot be issued for a shorter period than six months; but the Company are at liberty to discharge them at any time, after giving a previous notice of that extent in the London Gazette. The holders of the Bonds also enjoy a similar privilege, and can demand payment after giving a notice, for the like period, in writing to the Accountant-General at the India House. The first Legislative Enactment empowering the Company to raise Money upon their Bond placed no limitation upon the amount to which they might borrow; a subsequent Act authorized an increase of 1,500,000 *l.* It was afterwards permitted to be increased to 5,000,000 *l.*; and again, by a more recent Act, to 6,000,000 *l.* In 1773 it was required to be reduced to 1,500,000 *l.*; and in 1793, upon the Company being permitted to increase their Capital Stock, it was again required to be reduced to that amount, after which, by consent of the Board, it might be increased in the sum of 500,000 *l.* This was the first Legislative provision giving the Board authority to interfere with regard to the Bond Debt. In 1794 it was allowed to be increased to 3,000,000 *l.* In 1807, in consequence of the Company not having availed themselves of the permission granted them in 1797 to increase their Capital Stock, permission was given to augment the Bond Debt to 5,000,000 *l.*; and in 1811, in order to meet the Bills drawn on the Home Treasury from India on account of Territorial Demands from India, it was authorized, with the consent of the Board, to be increased to 7,000,000 *l.*, beyond which amount it cannot be augmented. On this occasion also, legal effect was given to the transfer of the property in the Bonds from one person to another. The limit to which the Bond Debt is allowed to be reduced is 3,000,000 *l.* 9 & 10 Will. 3. 6 Anne, c. 17, 7 Geo. 1. c. 5. 17 Geo. 2. c. 17. 13 Geo. 3. c. 64. 33 Geo. 3. c. 47. 34 Geo. 3. c. 41. 47 Geo. 3. c. 41. 37 Geo. 3. c. 31. 53 Geo. 3.

In 1750, the Bond Debt amounted to 4,065,573 *l.*; in 1751, to 1,652,359 *l.*; in 1794, to 2,179,467 *l.*; in 1796, to 1,519,592; from which time it did not materially vary till 1805, when it was increased to 2,412,092. In 1808 it was further augmented to 4,220,792 *l.*; in 1812 it increased to 6,581,317 *l.*; in 1814 it was reduced to 4,501,892 *l.*; in 1815, to 3,979,392 *l.*; and in 1829 it amounted to 3,795,892 *l.*

The rate of Interest paid on the Bonds from 1773 to 1783 varied from three to four-and-a-half per cent. From 1783 to 1787 it was five per cent. In the latter year it was reduced to four per cent.; but in 1796 it was again increased to five per cent.; and from that year to 1818 it

varied from five to * six per cent. From 1818 to 1830 it varied from four to three per cent.; and in 1831 it was reduced to two-and-a-half per cent., which is the rate it now bears.

Appendix, No. 19, p. 271.

The sum of 334,399 *l.* of Bond Debt which has been shown to have been discharged, is the amount paid off, and which it was considered, under legal advice, could alone be counted as discharged from Surplus Profits, agreeably to the 57th section of the Act of 1813. Adding the amount of Bonds paid in on Sales, an actual or virtual reduction of the Bond Debt during the period was effected to the extent of 805,999 *l.*

Correspondence between the Board and the Court, Appendix, No. 19; 773 to 777, of 1832.

6. *Prospective Estimate.*

There appear to be three modes of computing the Prospective Condition of the Finances.

Appendix, No. 22.

I. A Prospective Estimate of the whole state of the Finances of India at the close of the present term, accompanied with Remarks and Explanations on the part of the Court of Directors, has been laid before Your Committee. This Estimate is founded upon the Accounts of Revenue and Charge of 1829-30, adjusted, in reference to future years, according to the latest advices received in March 1832. It takes into account, for the future, only such particular reductions of Charge as are specifically directed to be carried into effect. It is framed with reference to two different events: the continuance of the present system as a whole: and the continuance of the Territorial Administration, the Company relinquishing the Trade, or the cessation of that Administration.

In the first case, the Court estimate that a deficiency of Revenue to defray all Charges at Home and Abroad will remain, amounting to 453,823 *l.* This is calculated on the supposition that the Territory will continue to receive the advantage of the Board's Rates of Exchange.

In the second case, it is computed that, in consequence of the Territory having to make its Remittances unaided by the Trade, and at the Mercantile Rates, instead of at the Board's Rates, the deficiency will amount to 813,209 *l.*

A computation has also been made of the probable effect, on the result of the foregoing Estimate, of the liquidation of Claims the amount of which is uncertain or under discussion. These Claims are, 1st. A dormant Claim to a Balance of Expenditure on account of the Wars which preceded the acquisition of the Dewannee, amounting to 3,616,113 *l.*, not including Interest. 2d. A Claim to have the Bond Debt, amounting to about 3,600,000 *l.*, considered as a Territorial Charge; and 3d. Certain rights of property abroad, the value of which is not computed in money. Supposing the two first Claims to be conceded, the Interest upon the Principal of the Bond Debt, at the present rate of 2 ½ per cent., and upon the amount of the first Claim, at 5 per cent., would form a further annual charge upon the Territory of 270,805 *l.*

Appendix, No. 23.

By an Estimate, signed by the Accountant of the India Board, an improvement is shown upon the Court's Estimate, by which the deficiency is reduced, in the first case, from 453,823 *l.* to 123,253 *l.*; and in the second from 813,209 *l.* to 560,924 *l.*

It has been seen that a considerable part of the augmented deficiency in the second case arises from a difference in the Rates of Exchange. In the Estimates

* Under the 46 Geo. 3, the Interest was allowed to be the same as Exchequer Bills, the Holder paying the Property Tax. Afterwards the Company paid the Property Tax for the Holder in addition to allowing 5 per cent. Interest.

Estimates prepared at the India House and at the India Board, the Remittance to this Country is computed at an exchange of 1 *s.* 9.247 *d**. But opinions have been confidently expressed, that the necessary Amount of Remittance could be effected from India at 1 *s.* 11 *d.* Should this opinion prove to be well-founded, the deficiency, in the event of a separation of Trade and Government, estimated upon the principles of the Court of Directors, as adjusted by the Accountant of the India Board, would amount only to 407,616 *l.*

* Appx. No. 22. 1318 of 1832.

II. The Prospective Estimate may be considered with reference to the reductions which have been recommended by the Indian Civil Finance Committee. If all these reductions were carried into effect, the above deficiency of 407,616 *l.* would, according to the Estimate of that Committee, be reduced to 55,379 *l.* Some, however, of these reductions would involve important alterations of system, and could only be adopted under the authority of the Legislature.

III. It has been seen that, according to the statement of the Accountant General of Bengal, the amount of Charge has not been fully reduced, as prescribed by the Court of Directors, to the standard of 1823–24, and that the amount of reductions which remain to be made, is Rupees 54,93,063, or, at the rate of 1 *s.* 11 *d.* per Sicca Rupee, 526,418 *l.* This amount, being only the result of a general direction, is not taken into account in the Prospective Estimate of the Court, which, it has been already explained, allows only for those particular reductions of Charge which have been specifically ordered. If, however, the Local Governments succeed in carrying into effect the general orders of the Court in 1827, there would then be a surplus of Revenue over Charge amounting to 118,802 *l.*

The results above stated apply to the year 1834. About the year 1836 it is expected that the Fund now annually set apart for the discharge of the Debts of the late Nabobs of the Carnatic will be sufficient for its purpose. By the cessation of the payment on that account, it is estimated that, at the exchange last-mentioned, the Charges will be reduced, and the results improved, to the extent of 102,387 *l.*

As regards the prospect of the Revenue, it may be expected, that those Social and Political Improvements which have been mentioned, as having hitherto contributed to its increase, will continue to operate.

On the other hand, the Revenue derived from Opium is said to be endangered by the competition of Opium grown under a system of Free Cultivation in Malwa. And the attention of Your Committee has been called to the uncertainty which has been found to attach to the realization of prospective Estimates of the Indian Revenues, framed upon the scale of former years. Tables, exhibiting the variations of actual Accounts from the sketch and regular Estimates which had been previously formed, have been laid before Your Committee, and are inserted in the Appendix.

72. 293 to 296. 57 to 67. 303 to 305, of 1832.

697, 698 of 1832. Appendix B. to No. 23.

The prospect of a continued aid to the Finances from the Commercial Funds of the Company appears to be uncertain. Under the existing system, the Profit upon the India Trade has been converted into an increasing Loss, (observing however the Board's rates in the computation,) and that upon the China Trade has also gradually declined. In the event of a total separation between the two Branches, the Territory would of course cease to derive, either directly or indirectly, any extraordinary advantage from Trade.

Commercial Series, No. 3.

It has already been shown that, upon the supposition of the cessation of the Company's Territorial administration, a sum of money is claimed on account of expenses incurred previously to the acquisition of the Dewannee, and that a claim is likewise preferred to certain Forts, Towns, Islands,

Territories and Rights, obtained by purchase, amicable grant, or negociation, previously to that event. It is likewise alleged, that the Territorial Branch will stand indebted to the Commercial Branch, at the expiration of the present term, in a sum of between four and five millions; and it is urged, that the whole of the Indian Debt, notwithstanding that the Company is bound for it, is a charge on the Indian Territory. On the other hand, the interests of the Territory, and the rights and claims of the Territorial creditors would require to be investigated and considered.

THE COMMERCIAL INQUIRIES of Your Committee have embraced,

I.—The State and Results of the East India Company's Commerce.

II.—The Commerce of India in relation to the General Interests of Trade and Navigation.

I.—THE STATE AND RESULTS OF THE EAST INDIA COMPANY'S COMMERCE.

Appendix, No. 2. A STATEMENT of the results of the Company's Commercial operations has been made, which, although not founded upon principles strictly and indisputably accurate, is presumed to be a close approximation to the truth.

It has been already shown that the nominal Capital of the Company, upon which Dividends are paid, is 6,000,000 *l.* Since the year 1794 there has been no subscription.

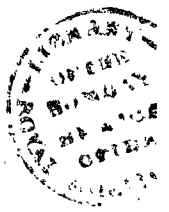
53 Geo. 3, c. 155. The Dividend to the Proprietors upon the nominal Capital is by Law limited to 10 ½ per cent. on the above amount. This rate of Dividend has been regularly paid since the commencement of the present Term. Evidence before Lords, p. 12. It does not, however, exceed 2*l.* 18*s.* per cent. on the Capital really employed.

Commercial Series, No. 2. The actual amount of the Capital, as computed by the Court on the 1st May 1829, is 21,102,182 *l.* Its component parts are as follows:

		£.	£.
* Cash - £.1,425,187 Property in Public Funds 760,942 £.2,186,129	Cash at Home and Abroad, and property in the Public Funds		*2,186,129
	Goods and Merchandize at Home and Abroad - -		7,383,931
	Property afloat, and Freight advanced thereon - -		3,531,897
	Debts due to the Company at Home and Abroad for Goods sold, and Advances for Investment - - - -		2,227,195
	Buildings and Dead Stock - - - - - -		1,467,967
	East India Annuities - - - - - -		1,207,560
Commercial Series, No. 7.	Due from the Territorial Branch, exclusive of		
	Interest - - - - - - - -	£. 3,036,581	
	Interest as computed by the Court - -	1,536,078	
	Amount expended by the Commerce for Articles not chargeable till shipped -	59,247	
			4,631,906
		£.	22,636,585
	Deduct,		
	Debts at Home (Bills of Exchange unpaid, Freight, Customs, Proprietors of Private Trade, &c.) -	£. 1,300,226	
	Debts in India and China - - - -	234,177	
			1,534,403
		£.	21,102,182

This amount is exclusive of the Bond Debt.

The Return to the Capital, which, on the 1st May 1814, was 19,211,984*l.*, was, in the Fifteen Years 1814-15 to 1828-29, *20,488,379 *l.*, including 1,536,078 *l.*, the Interest on the Balance due from the Territorial Branch, which is rather more than Seven per Cent. per annum. Of the sum of 20,488,379 *l.* there has been paid in Dividends 9,450,000 *l.*, and in Interest upon the Bond Debt 2,585,346 *l.*, leaving a Surplus of 8,453,033 *l.*, whereof, it has been already shown, there have been applied in the liquidation of Home Bond Debt 805,999 *l.*, and to Territorial purposes 4,923,021 *l.* Commercial Series, Nos. 3 & 4.



It appears from the above Table, that, of the Capital, 1,968,502 *l.* is invested in East India Annuities and other Public Funds, and 4,631,906 *l.* is for Principal and Interest due from the Territory. The further sum of 1,294,768 *l.* is the value of the East India House and Warehouses. These several sums make a total of 7,895,176 *l.*, which, deducted from the before-mentioned amount of Capital (21,102,182 *l.*), leaves 13,207,006 *l.* applicable to the conduct of the Company's India and China Trade. Commercial Series, No. 2.

Upon the India Trade there has been, during the above-mentioned period, a loss of 278,707 *l.*; upon the China Trade, a gain of 15,414,414 *l.*

If the Mercantile Rates of Exchange had been used in the Account between the two Branches, it is computed that a larger Profit upon the Trade would have been exhibited.

Commercial Series, Statement to No. 3.

	India Trade.		India and China Trade.
	Average Annual Profit.	Average Annual Loss.	Average Annual Profit.
	£.	£.	£.
1814-15 to 1818-19	364,693	- -	1,525,799
1819-20 to 1823-24	- -	116,678	875,432
1824-25 to 1828-29	- -	303,757	625,910
Average Annual Profit on India and China Trade during the 15 years - - -			1,009,047
Annual Average of all other sources of Profit			356,844

The Commercial Receipts of the Company are derived from several sources besides their China and India Trade. They receive a profit from the management of Private Trade Goods, from the employment of their own Ships, from Interest on Annuities and on Government Stock, and from Interest on Advances to the Territorial Branch. The Total Profit derived from these sources, during the 15 years ending 1829, was 5,352,673 *l.*

Since the year 1824-25, the Company have ceased to export Merchandize to India. Their only Exports, since that period, have been Military and Political Stores. Their motives for discontinuing their Export Trade are stated to have been, first, the difficulty of obtaining any articles of Indian Produce or Manufacture that would afford a remittance to London, even at several pence in the Rupee below the par of Exchange; and secondly, the large Balance due from the Territorial to the Commercial Branch. 866 of 1832. 873 of ditto.

The only Articles imported by the Company into England from India are Raw Silk, some Silk Piece-goods, Saltpetre and Indigo. The Indigo is purchased by the Company at Calcutta; the Raw Silk and Saltpetre are prepared in their Factories; and the Silk Piece-goods (Bandannoes) are 999 to 1001. 1024-5, of 1832.

* The Amount shown to have been realized, in No. 3 of Commercial Series, is - £. 20,529,076

Deduct,
Amount of Loss, stated in No. 4 of the same Series, to have been sustained in the provision of Sunn Hemp for the Public - - - - - - - - 40,797

£. 20,488,379

are obtained at Cossimbuzar, by Contracts with the Head Weavers, to whom advances are previously made. Sugar was included in the Company's Imports until very lately, but has now been discontinued.

The Company's principal Export from India to China is Cotton from Bengal and Bombay. Their Cotton Factories at Madras have been abolished. The Cotton is purchased at the principal Marts in the interior of India by the Company's Agents. The large Export Trade in Opium to China is exclusively in the hands of the Private Merchants.

1121 to 1125. Com. Rep. 1830, passim.

Their only Import into England from China is Tea. Their Importation of Nankeens was discontinued in 1822, and that of Raw Silk in 1824, both having been attended with a loss. The Home Market is now fully supplied with these Articles by private Importation from Singapore and other places.

975 to 987, of 1832.

The Import Trade of the Company from India to England, being attended with loss, is carried on only as affording the means of remittance.

1059.

Mode of declaring the Dividend.

Statements are annually prepared for the information of the Court of Directors, previously to their taking into consideration the rate of Dividend to be by them recommended to the Court of Proprietors for declaration. For each year since 1814–15, these Statements have been laid before Your Committee. They appear, in the earlier part of the period, to have consisted of Abstract Statements of Profit and Loss upon the Company's Goods sold in the March and September Sales, and of other Profits resulting to the Company in England, together with the ultimate Surplus liable to a Territorial appropriation.

Appendix, No. 27.

At a later period, Accounts in greater detail were presented, distinguishing the India from the China Trade, and specifying the prime cost of the Investment, the Freight, the Charges, the Sale Amount, and the net Profit or Loss on all Goods sold by the Company; and showing also the Home Profits and Receipts, and the Net Proceeds of the Commerce in Great Britain, after all Adjustments and after defraying all Charges.

1820–21.

The Interest on the Bonds forms a Charge upon the Commercial Fund, out of which the Dividends are paid. This Fund consists of the Net Commercial Proceeds computed as above. Any ultimate Surplus, after the Dividends are paid, constitutes Surplus Commercial Profit, applicable, by Law, to the discharge of India Debt or of Home Bond Debt.

53 Geo. 3, c. 155, s. 57.

Comparative View of the Commercial Property in 1814 *and* 1829.

Commercial Series, No. 4.

		£.
The Value of the Commercial Property on the 1st May 1814, after providing for all outstanding demands, was - - - - - - * £.	19,211,984	
On the 1st May 1829, its value was - †	21,668,510	
Improvement in 1829 - - - - - -		2,456,526
In the above Statement the Home Bond Debt is not included, Its amount on 1st May 1814, was - £.	4,601,892	
on 1st May 1829 - - -	3,795,892	
Decrease of Home Bond Debt, which was effected by the application of Surplus Profits - - - -		805,999
The improvement of the Commercial Concern, added to the diminution of the Home Bond Debt, would produce a more favourable Balance by - - - -		3,262,525
Adding to this sum the amount applied from Surplus Commercial Profits to the liquidation of Indian Debt -		4,923,021
The Improvement would amount to - - -		8,185,547
Result of the Two Branches combined:		
The deterioration of the Territorial Property has been shown, (but upon a principle which is liable to considerable adjustment,) after applying the Surplus Commercial Profits to the liquidation of its Debt, to be 11,622,422 *l.*, but without that appropriation, it would have been - -		16,545,463
The Net Deficiency or Deterioration of the two Branches combined, between 1814 and 1829, will therefore have been, in the view here taken,		8,359,917

* The Total Value of Property in 1814 is stated, in Account No. 4 of Commercial Series, at - - - - - - - - - £. 19,735,909

Which requires the following adjustments, as showed in the same Account:

Deduct, Amount of Spices from the Moluccas, the proceeds of which have been allowed to His Majesty's Government - - - - - - - £.	234,448	
Amount of Buildings and other Dead Stock in India, written off since 1814 - - - - -	78,625	
Amount of Debts due to the Company on 1st May 1814 - ditto - - - - - -	140,538	
Value of Buildings for Territorial purposes, included in 1814, but since separated - - - -	70,314	
		523,925
		£. 19,211,984

† Value of Commercial Property in 1829, as before stated - £. 21,102,182

Add, Amount of Dead Stock - - - - - -	566,328	
	£.	21,668,510
Deduct, Surplus Profits unappropriated - - - - - - -		2,724,013
	£.	18,944,497
Add, Profit estimated on Goods, more in 1814 than in 1829, £.	291,551	
Deduct, Difference explained in a Memorandum to No. 4 of Commercial Series - - - - - - - - -	24,064	
		267,487
	£.	19,211,984

II.—The Commerce of India in relation to the General Interests of Trade and Navigation.

Under this head of Inquiry Your Committee have received much valuable information, although, in consequence of the approaching termination of the Session, it will not be practicable to found upon the Evidence any detailed statement.

The attention of Your Committee has been turned chiefly to those points which do not appear to have been embraced in the inquiries, either of the Committee of the Commons upon the China Trade (1830), or of the previous Committees (1821-2-3) of the Lords and the Commons upon Foreign Trade.

Papers relative to the Commercial affairs of India, addressed, by various Individuals and Commercial Bodies, to the Secretary of the Board of Control, have been laid before Your Committee. They consist of Answers to Queries which had been circulated by that Department, and have reference to the Commercial facilities which have been afforded since the opening of the Trade with India in 1814—the Increase of the Trade—the nature and extent of that Increase—the System pursued by the Company in the conduct of their Commercial Transactions in India—the practical effects of the union of Government with Trade in India—the Commercial System of the Company in England—the operation of the means employed by the Company in order to effect the Remittances required in this Country—the various modes in which such Remittances might be effected—the state of the Exchanges generally, as between India and other Countries—the probable effect of withdrawing the Executive authority from Trade in India—the Commercial Arrangements with Foreign States—the Financial bearings of the present system of Trade—and measures calculated to improve or increase the number of the Exportable Productions of India, or generally to advance the interests of Indian Commerce. The whole of these Answers, consolidated under their respective heads, will be found in the Appendix.

Commercial Appendix, No. 4. *See* also Financial Appendix, No. 38.

Further Returns will be found in the Appendix, illustrative of the state of the Trade between Great Britain, India and China, showing the Value of the Imports and Exports, and distinguishing the Trade of the Company, of other British Subjects, and of Foreigners: And showing the Number of Vessels and Amount of Tonnage annually entered inwards at the Ports of the United Kingdom, from places East of the Cape of Good Hope. Returns also are given, for a series of years, of the Quantities of each Article, Imported into, or Exported from, as well as the Number of Ships entered inwards, and cleared outwards, at Bengal, Madras and Bombay; and of the Quantities of each Article of Internal Commerce received at the Presidencies, in its transit from, or to, the Interior. Separate Returns have also been obtained, showing, for a series of years, the course and results of the Indian Trade in Bullion.

Evidence has likewise been received as to the means of extending the Trade with Asia; the Navigation by Steam; and the capability of India to produce articles of leading importance in Commerce, such as Cotton, Sugar, Tea, Coffee, Rice, Tobacco, Silk. The difficulty of providing Returns, and the bad quality of the Products of India, appear to be considered the chief Obstacles to an extension of Trade. The chief Remedies which have been suggested by various individuals are, 1. A Reduction of the Duties in England on the Importation of Indian Produce: 2. The Removal

Commercial Appendix, No. 4.

Removal of the Transit Duties in India: 3. A relaxation of the existing Restrictions against Europeans proceeding to India, and residing and holding Lands there: 4. A more efficient Protection to Person and Property in India: 5. Opening the Trade with China: 6. A complete withdrawal from Trade on the part of the Government of India.

Your Committee are unable to enter at present into an examination of these suggestions; but, with reference to the first of them, they have inserted in the Appendix an important Statement, showing the Rates of Duty (Customs and Excise) which have been chargeable in England on all Articles, the produce of the East Indies, since the year 1812, together with those which are chargeable upon like Articles, being the produce of other countries. Commercial Appendix; No. 5.

A Digest is given in the Appendix of the whole of the Commercial Evidence which has been taken since the Report on the China Trade before the Committees of the Lords and Commons, in 1830, 1830-31, and 1831-1832. Commercial Appendix, Nos. 1 to 3.

III.—*Revenue.*

IN the Examination of the Revenue System of India Witnesses have been examined, and Documentary Evidence has been received.

The Gross Revenue of the East India Company derived from the following sources, Land Revenue, Salt, Opium, Transit Duties, Custom Duties, Sayer and Abkaree Duties, including Moturpha Tax, Town Duties, Wheel Tax, Tobacco Tax, Post-office, Stamps, and Pilgrim Tax, amounted, on an average of three years ending 1829–30, to 20,129,730 *l.* The Net Revenue amounted to 17,861,714 *l.* *

LAND REVENUE.

In India the Land Revenue forms, as has been already shown, the principal Income of the State, and the modes of its administration differ chiefly in the degree in which the Officers of the Government engage in the detailed Assessment and Collection.

The most summary of these modes may be called, for the sake of a general name, the Zemindary System. It may be taken as including all those cases in which any portion of Land, beyond that of a village, is rated at a certain sum in the gross, and the payment of the sum engaged for by an individual (or small number of individuals) called Zemindar, and sometimes by other names.

The intermediate system is what has been properly denominated the Village System. Under this system, each village is rated separately at an aggregate sum for the village, and the headman of the village engages or is held engaged for the amount.

The system in greatest detail is that where the fields occupied by each Cultivator are rated separately, and in which he makes his payment directly to an Officer of the Government. This has been called the Ryotwar System, from the word Ryot, which is the specific name of the Cultivator.

The Zemindary system, as now described, includes a variety of cases, in respect to amount, from two or a few villages, to a whole district or a province; it includes also the cases in which the Zemindar claims an hereditary right to his office, and those in which he only engages for one or more years. The British Government has introduced a new variety in Bengal, by recognizing all the Zemindars as hereditary, and fixing the assessment or sum to be levied on each in perpetuity. This is what is sometimes understood by the Zemindary system, though it is properly speaking only a variety of the system, arbitrarily created by ourselves.

The

* The Charges included in the Statement of the Net Revenue are those of Collection and Management only, and do not embrace Advances for the Manufacture of Salt and Opium.

The Rates of Exchange employed in converting the Indian Monies into Sterling, are those used in the Accounts of Indian Revenues and Charges laid before Parliament, viz. 2 *s.* per Bengal Current Rupee; 8 *s.* per Pagoda, equivalent to 3 ½ Madras Rupees; and 2 *s.* 3 *d.* per Bombay Rupee.

The Village system has also this variety, that in some cases there are individuals or families who claim a right to be the instruments for making up and paying the aggregate sum; in other cases, those agents are chosen by the village, or the officers of Government.

The only variety in the Ryotwar system, which it seems necessary to mention here, is that where a sum in the aggregate is assessed upon each Ryot for the whole of what he cultivates, and that in which a particular assessment is made of each field, and the payment of each Ryot is made up of the several sums charged upon his several fields. This latter mode, which was that introduced by Sir Thomas Munro, for the sake of greater accuracy, very often goes by the name of the Ryotwar system exclusively.

In the 5th Report of the Select Committee, 1812, a full view is given of these various systems up to that period, since which a vast mass of information has been obtained on all subjects connected with India. Your Committee will commence with noticing that portion of the British Territorial possessions which are under the "Permanent Zemindary Settlement" in the Bengal Presidency. They comprise an extent of 149,782 square miles, in Bengal, Behar, Orissa and Benares, with a population of upwards of 35,500,000 (exclusive of the Benares Provinces, from which there is no Return made), and yielding a Revenue, under permanent assessment, of 3,24,70,853 sicca rupees. £. 3,766,619 sterling.

A great body of Evidence has been taken on the nature, object and consequences of this Permanent Zemindary Settlement, and Your Committee cannot refrain from observing that it does not appear to have answered the purposes for which it was benevolently intended by its author, Lord Cornwallis, in 1792-3. The Finance Committee at Calcutta, in their Report, 12th July 1830, acknowledge that "in the Permanently-settled Districts in Bengal, nothing is settled and little is known but the Government Assessment."

The causes of this failure may be ascribed, in a great degree, to the error of assuming, at the time of making the Permanent Settlement, that the rights of all parties claiming an interest in the Land were sufficiently established by usage to enable the Courts to protect individual rights; and still more to the measure which declared the Zemindar to be the hereditary Owner of the soil, whereas it is contended that he was originally, with few exceptions, the mere hereditary Steward, Representative or Officer of the Government, and his undeniable hereditary property in the Land Revenue was totally distinct from property in the Land itself.

Whilst, however, the amount of Revenue payable by the Zemindar to the Government became fixed, no efficient measures appear to have been taken to define or limit the demand of the Zemindar upon the Ryots who possessed an hereditary right of occupancy, on condition of either cultivating the Land or finding Tenants to do so. Without going into detail to show the working of the system, it may be proper to quote the opinion of Lord Hastings, as recorded in 1819, when he held the office of Governor-General of India. "Never," says Lord Hastings, "was there a measure conceived in a purer spirit of generous humanity and disinterested justice, than the plan for the Permanent Settlement in the Lower Provinces. It was worthy the soul of a Cornwallis. Yet this truly benevolent purpose, fashioned with great care and deliberation, has, to our painful knowledge, subjected almost the whole of the Lower Classes throughout these provinces to most grievous oppression; an oppression too, so guaranteed by our pledge, that we are unable to relieve the sufferers; a right of ownership in the soil, absolutely gratuitous, having been vested in the person through whom the payment to the State was to be made, with unlimited power to

wring from his coparceners an exorbitant rent for the use of any part of the Land."

An opinion not less strong was recorded at the same time by Sir E. Colebrooke, then a member of the Supreme Council, who observed, that "the errors of the Settlement were two-fold; first, in the sacrifice of what might be denominated the Yeomanry, by merging all tillage rights, whether of property or of occupancy, in the all-devouring recognition of the Zemindar's permanent property in the soil; and then leaving the Zemindar to make his settlement with the Peasantry as he might choose to require."

If then the conclusion may be formed that the Permanent Settlement of Lord Cornwallis has failed in its professed object, it must be a matter of anxious inquiry to ascertain how far the evils of the system are capable of being remedied.

So long as the Zemindar pays his fixed assessment, the Government have not yet interfered to regulate the Cultivator's rates; but where arrears accrue, and a public sale of the Zemindary Tenure, as prescribed by the Regulations, takes place, except the sacrifice on account of purchase money is very great, the Authorities at Home have directed every Zemindary Tenure "to be purchased on the part of the Government, and then settled with the Ryots on the Ryotwar principle."

This Order it appears has, as yet, had little practical effect in the Bengal Presidency, where it was at first opposed by the Local Authorities.

Although such purchase and resumption of the right to manage the Land Revenue is the best mode for the Government to acquire the power of effectual interference in behalf of the Ryots, the sacrifice of money requisite for the purpose would be so great as to impede the working of the system, if the sales of Zemindaries, for default of payment, were numerous and extensive; and unless the Government should, either by public or private purchase, acquire the Zemindary tenure, it would, under the existing Regulations, be deemed a breach of faith, without the consent of the Zemindars, to interfere directly between the Zemindars and the Ryots for the purpose of fixing the Amount of the Land Tax demandable from the latter under the Settlement of 1792-3.

It is, at the same time, suggested, (amongst other important and valuable considerations, in an able Paper on the Land Revenue which has been furnished to Your Committee by Mr. A. D. Campbell, late a Collector, under the Madras Presidency), that without altering the existing Law, which renders the Zemindary Tenure saleable for arrears of Jumma, it might be expedient, in practice only, to suspend such sale, and on an arrear accruing, merely to attach and continue the attachment of the Land Revenue, as in the case of the ancient Zemindaries under the Madras Government; but it is recommended that in all such cases of suspended Sales, the Government authorities should be empowered to effect a fair and equitable Settlement between the Zemindars and the resident Ryots, founded upon the peculiar tenures and local usages of each District.

Vide Paper in the Appendix, No. 6, suggesting a Mode of Settlement.

The Paper before adverted to also shows the inexpediency of selling the Zemindary Tenure, unless the Government itself becomes the purchaser, points out the evils of a transfer to individuals unconnected with ancient Zemindary families, and shows the advantage of the Tenure being attached and managed by the Government Officers. Another objection to the Permanent Settlement is, that it has been the cause of the "Village Accountants"

Accountants" falling into disuse: their office is stated to be one of great utility, and a thorough reform of it to be necessary before the payments to be made by the Ryots can be adjusted in a satisfactory manner.

BENGAL.

CEDED PROVINCES:—Total Revenue - - - £.1,757,672.

CONQUERED PROVINCES:—Ditto - - - - 2,365,523.

Population of these Upper or Western Provinces, by Returns of 1826, 32,206,806. Appendix to Report, 11th Oct. 1831; p. 763.

In the early part of his Government, Lord Hastings thought that it was not practicable to introduce the Ryotwar system into the Upper Provinces of Bengal; but by the following Extract from a Minute by the Governor-General in Council, dated 1st August 1822, his Lordship appears to have altered his views on this important subject:

"His Lordship in Council sees every day more and more reason to be satisfied, that without a detailed Jummabundy being made and carefully recorded, as far as may be practicable, there can be no security for the rights of the Ryots under any system of management. Minute of the Governor-General in Council, dated 1 Aug. 1822, para. 23.

"A Settlement so conducted will embrace in its scope the interests of millions." "In itself, a system of Ryotwar Settlement would not appear to involve any serious difficulties; on the contrary, due advertence being had to the different Classes and their different privileges, it would seem, when well administered, to be the system of all others best calculated to secure the prosperity and comfort of the great body of the people." Para. 24,

To secure these great objects an accurate Survey appears to be requisite, and on this head Your Committee may again refer to Lord Hastings's opinion, as expressed in the same Minute.

Lord Hastings says, "There can be no assurance of the state of property in any Pergunnah being fully developed, unless the Revenue Officer shall be enabled to conduct his inquiries on the spot, village by village, proceeding upwards, from the persons who till the ground to the Government itself, and noticing distinctly all the Classes who share in the produce or rent of Land, the extent of the interest of each, and the nature of the title by which it is held. The object being not only to ascertain and record the fiscal capabilities of the different Mehals, their extent and produce, and the cost of production, but also all interests attaching to the Land: as far as practicable, the Collectors should ascertain, record and recognize the extent and nature of the Land occupied, the interest enjoyed by each Ryot, with the obligations attaching to each."

It is shown in Evidence that a Settlement is now in progress in the Ceded and Conquered Provinces, depending upon a very detailed inquiry into the state of the Ryots, and the various dealings and rights in the villages. It is expected that the result of this investigation will be a considerable increase upon some of the assessments now made, and a considerable decrease upon others; and that, upon the whole there may be some small augmentation of the Public Revenue. One of the sources from which an increase will be derived, is an assessment upon Lands heretofore concealed from the Collectors. 2746, of 1832.

The proper ascertainment and recognition and security of the several tenures and rights within the villages, are objects of the highest import-

ance to the tranquillity of the Provinces, and will greatly tend to the repression of crime. The natives of India have a deep-rooted attachment to hereditary rights and offices, and animosities originating from disputes regarding Lands descend through generations.

In the general opinion of the agricultural population the right of the Ryot is considered as the greatest right in the country; but it is an untransferable right. It seems questionable, whether the Ryot himself can transfer it, or whether the Government can transfer it.

2696, of 1832.

The Ryot may, if harassed by our assessment, leave his Lands, quit the neighbourhood, and return when he chooses and reclaim the Lands; and Ryots, holding them, will always resign them to him. The right never seems to die.

This part of the Evidence before Your Committee has been particularly adverted to, as it is of so much importance that the Government cannot be too active in the protection of the cultivating classes; for the vital question to the Ryot is, the amount of assessment which he pays. In corroboration of this remark, Your Committee refer to a letter from the Court of Directors to the Governor General in Council at Bengal, dated as far back as 19th September 1792, in which they say, "In giving our opinion on the amount of the settlement, we have been not a little influenced by the conviction that true policy requires us to hold this remote dependant dominion under as moderate a taxation as will consist with the ends of our Government."

MADRAS.

THAT portion of the Madras Presidency which is under Zemindary Settlement includes 49,607 Square Miles, contains 3,941,021 Inhabitants, and was, in 1829–30, assessed at 85,11,009 Madras Rupees*.

Sterling, 972,687 *l.*

This Territory comprises nearly the whole of the Five Northern Circars, in which the collection of the Land Revenue was, at the introduction of the Permanent Settlement, confirmed hereditarily to a number of Zemindars, many of whom were descended from ancient families in that part of India.

Some peculiar circumstances have prevented the alienation of these hereditary tenures by public sale, on account of arrears of payment. They are to be found in the nature of the country, and in the character of the people, who, inhabiting a mountainous district, are described to be a more resolute and energetic race than the natives of the Lower Provinces of Bengal.

1571, of 1832.

Their hill fastnesses are difficult of access, and the climate in the valleys, at all times unhealthy, is peculiarly fatal to Europeans †.

Although it appears that, in the Permanent Settlement of Bengal, doubts have been entertained whether the Company did not confer on the Zemindars rights to which they had not, in fact, any original claim, Your Committee have it in evidence that in these Northern Circars the Zemindars had long been considered de facto Proprietors or Lords of the Soil, but the Witness also states that he did not, at the time of forming the Permanent Settlement in this District, enter into any strict examination of the exact rights of the Ryots.

1531, of 1832.

Your

* The total Jumma of the Districts under the Madras Presidency in 1829–30 was 3,12,38,014. 8. 11. Madras Rupees.

† For more particular information on this District, refer to Mr. Campbell's Paper, Appendix, No. 6; and the Evidence of Robert Alexander, Esq., No. 1569, *et seq.* of 1832.

Your Committee next proceed to notice that extensive portion of the Madras Territories in which the Land Revenue is collected under a Ryotwar assessment*.

This Assessment could not be made without an actual survey, and that work was commenced by Sir Thomas Munro, when he assumed the management of the Ceded Districts in 1800; and a full account of the manner in which so important a work was conducted is to be found in his Report of 26th July 1807.

At that period, Sir Thomas Munro proposed and strongly urged upon the superior Authorities the expediency of making a reduction in the assessments of these Provinces, but his plan was not adopted.

A Village Settlement was soon after introduced, which continued till 1820. Sir Thomas Munro (then appointed Governor of Madras) caused the assessment to be lowered generally in the Districts under Ryotwar Settlements, and, in the Ceded Districts, to the rates recommended by him in 1807. 5251 & 4668, of 1831.

This reduction was not completed in the Ceded Districts till 1825. When Sir Thomas Munro quitted the Collectorship of those Districts in 1807, the Public Revenue derived from Land was 56,00,000 Rupees. In 1827, it was only 42,50,000 Rupees. Sterling, 640,000 *l.* Ditto, 485,714 *l.*

There appears to be a strong analogy between the surveys executed by some of the Native Governments and those carried on by the British Authorities in the Madras Presidency.

In Travancore, for instance, a State connected with the East India Company by Subsidiary Treaties of Alliance, a Revenue Survey was periodically made, every 10 or 12 years, by the Native Government, and every Field, with its Proprietor and its Rent, inserted.

The attention of Your Committee has been directed to the workings of the Ryotwar system in Coimbatoor, one of the Madras Provinces, considerable in extent, and containing great variety of soil.

The system was established in 1815, and appears, from the Evidence adduced, to have been successful. A Tabular Statement, furnished by Mr. Sullivan, of its results, up to 1828-29, shows a progressive increase of population, of stock in cattle, of the number of persons paying taxes, of the number of wells, and of the total amount of assessments; but a diminished average payment per head throughout the Province.

BOMBAY.

THIS Presidency includes 59,438 English square miles, and contains 6,251,546 Inhabitants, exclusive of the Population of the Northern Concan, which contains 5,500 square miles of the above area, and from which there are no Returns.

The several modes of Revenue Settlement under the Bombay Presidency, are Zemindary, Mouzawary, and Ryotwary.

One Witness deems all these modes equally good if the rights of individuals are well fixed, and due limits put to the amount of Assessment. Evidence before the Lords, p. 151.

The advantages and disadvantages of the Ryotwar and Mouzawar (or Village) system, have also been compared. 1952, of 1832.

The

* Extent in Square Miles; Population; Amount of Revenue.—*Vide* Appendix to Report printed 30 June 1831.

Pattel, or Potail, the head of a village.

The Mouzawar System affords facilities for collecting the Revenue at a trifling expense, and it tends to uphold and encourage the Pattels, a valuable class of men in an Indian Community. It does, at the same time, tend to throw the Cultivator so far under the authority of the Pattel, that he may suffer from oppression and extortion.

The advantages of the Ryotwar System are the direct opportunities which the Cultivator has of annually settling his payment with the Government, and of personal communication with the ruling Authorities.

Some disadvantages are stated to arise from facilities afforded to the Ryot of concealing Land under cultivation, without the risk of information by his neighbour against him. It also causes expense by the employment of numerous petty Revenue Officers, and, in collusion with the Ryot, frauds may be committed.

Seeing therefore that there is no general system under this Presidency, but that the mode of collection is adapted to the circumstances of the country, Your Committee revert to an observation made in a former part of their Report; viz. that let the system be what it may, the important questions to the Cultivator are the amount of his assessment, the proper definition of his rights, and the accurate registration in the village accounts of the sum which is to be demanded from him.

1783 *et seq.* of 1832.

To quote the opinion of Mr. Thackeray, in his elaborate Report of August 1807: "In whatever way it be done, the Settlement ought to be moderate. As long as the people are not oppressed with a heavy Land Tax, it little signifies how it is collected. Whether a light Land Revenue be collected through the medium of Collectors or Mootahdars, the country will thrive, but no system can make a heavy Land Revenue easy; and under any system, a light Land Revenue will produce improvement and prosperity."

Much valuable information on the administration and collection of the Land Revenue in the Deccan, in Guzzerat and Cutch, and on the internal state of those districts, will be found in the Evidence of Colonel Sykes, and in that of Lieutenant-Colonel Barnewall.

Although some valuable Evidence has been taken in this branch of the Inquiry, as to whether it would be injurious or beneficial to allow Europeans to purchase Lands and settle on them, Your Committee purposely abstain from entering upon the question in this place. There remains, however, one subject to which Your Committee beg leave to advert, as intimately connected with the prosperity of the Land Revenue. Nothing can be better calculated to give an impulse to the improvement of the Land, when cultivation is backward and the means of improvement scanty, than the Opening of Foreign Markets to its Produce. This consideration places in a very strong light the importance of removing, or greatly diminishing, the Obstructions to the admission of the Produce and Manufactures of India to the European, and, above all, to the British Market.

SALT MONOPOLY.

THE manufacture and original sale of Salt are, in Madras and the Lower Provinces of Bengal, held as a Government Monopoly, for the purpose of raising a Revenue applicable to the Public Service.

Salt in Bengal is publicly disposed of by auction, at sales held monthly. The price at which Salt has been sold, on an average of three years, amounted to 4*r.* 0*a.* 8*p.* per Maund of 82 lbs. 2 oz. 2 drs., corresponding to 12*s.* 9*d.* sterling per cwt. This price is about 288 per cent. above the original costs and charges. In Madras, Salt is sold at a fixed price, which does not exceed one-fourth of the average price at Bengal, but the rate of profit is nevertheless somewhat higher, inasmuch as the cost of production is comparatively small.

The average amount of Net Revenue from these sources during three years does not exceed £.1,600,000; an amount which Your Committee conclude is too large to be given up, and which they have no reason to think could be commuted for any other tax less onerous to the Inhabitants.

As a substitute for the existing Monopoly, two other modes of collecting Revenue on Salt necessarily suggest themselves; an Excise Duty on Salt manufactured within the Bengal Provinces, and a Duty on Importation.

The collection of an Excise Duty on Salt manufactured for private account would not be easily carried into effect, in consequence of the expense and difficulty of establishing an efficient superintendence; and it has been stated that Bengal might obtain a cheaper supply of Salt by importation from the Coasts of Coromandel and Malabar, Ceylon, the Gulph of Persia, and even Great Britain, than by any system of home manufacture.

As the manufacture of Salt by private individuals would thus endanger the security of the Revenue, it does not appear expedient to interfere with the existing Regulations on that head; but it is desirable to adopt means for encouraging a supply of Salt by importation, in lieu of the manufacture by the Government.

As it would be very inexpedient at once to abandon the home manufacture, and as it is doubtful whether a large supply of imported Salt could be relied on from individual enterprize, while that manufacture continues, and the price consequently remains under the control of the Government, it is desirable that they should, in the first instance, contract for the delivery of Salt, by advertisement, into the public warehouses of the port of Calcutta, at a certain price per ton.

It is to be hoped that, under this system, the home manufacture might be gradually diminished, beginning in those districts in which the cost of production and loss of human life is the greatest, until so large a proportion of the consumption shall be supplied from abroad, that it might be safe to permit the free import of Salt under a Custom Duty, the Government sanctioning the manufacture in such districts only (if any such there might be) where it could then be profitably carried on.

Your Committee trust that, under such an arrangement, a material reduction might be effected in the price of Salt, which would prove of the greatest advantage to the Native Population of India, to whom a cheap supply of this necessary of life is of the utmost importance.

OPIUM MONOPOLY.

THE Monopoly of Opium in Bengal supplies the Government with a Revenue amounting to *S.Rs.* 84,59,425, or Sterling Money £. 981,293. per annum, and the Duty which is thus imposed amounts to 301 ¾ per cent. on the cost of the article.

In the present state of the Revenue of India it does not appear advisable to abandon so important a source of Revenue; a duty upon Opium being a tax which falls principally upon the foreign consumer, and which appears upon the whole less liable to objection than any other which could be substituted.

Besides the present mode of collecting the Duty by means of a Government Monopoly, four other methods have been suggested; viz. 1st. an additional Assessment on Lands under Poppy cultivation; 2d, a Duty to be levied according to the value of the standing Crop when ripe; 3d, an Excise Duty on the Juice when collected; 4th, a Custom Duty on the Exportation of Opium.

The production of Opium being at present prohibited, except under the Government Monopoly, the plan of levying an additional Assessment on Lands under Poppy cultivation appears perfectly consistent with justice to the Proprietors and Cultivators; such a plan would also allow perfect freedom to the employment of capital and industry in the production of Opium, and it would not be liable to those evils arising from Smuggling, which necessarily attend a system of high Custom and Excise Duties. But it is stated by some Witnesses, that to levy the present amount of Duty in this manner would be attended with great difficulties, arising from the nature of the tenure of Lands, the condition and feelings of the native Inhabitants, and the magnitude of the advance which would be required; and as it is evidently impossible to decide the question of the practicability of this plan without the most minute and accurate knowledge of the state of the Country, Your Committee can only recommend this suggestion as one well worthy the careful consideration of the Government.

The plan of assessing the standing Crop when ripe, according to its value, appears from the Evidence impracticable, not only on account of the extreme uncertainty of the Crop, but also from the circumstance that as the exudation and collection of the Juice continue for several days, and are liable to be effected by every change of weather during that period, it would be impossible at any time to form a fair estimate of the probable produce.

The plan of allowing the free cultivation of the Poppy, subject to an Excise Duty on the Juice when collected, would be liable to insuperable objections, arising from the expense of collecting the Duty, and the impossibility of preventing the most extensive Smuggling.

A Custom Duty on the exportation of Opium appears, in the view of experienced Witnesses, a desirable mode of taxation, inasmuch as it would leave the Producer unfettered, and would fall exclusively on the Foreign Consumer; but it would be incompatible with the present amount of the Revenue, on account of the encouragement it would offer to the Smuggler. If, however, it should hereafter be found necessary or expedient to effect such a reduction in the price of Opium as should prevent any serious interference on the part of the Smuggler, the substitution of a Custom Duty in the place of the present Monopoly would be productive of great advantage.

Although

Although the Government Monopoly of Opium must in all probability, like all other monopolies, be disadvantageous, in consequence of the want of economy in the production, and the restrictions which it imposes on the employment of capital and industry, yet it does not appear to be productive of very extensive or aggravated injury; and unless it should be found practicable to substitute an increased assessment on Poppy Lands, it does not appear that the present high amount of Revenue could be obtained in a less objectionable manner.

At the same time it must be recollected that the Revenue thus derived is of the most precarious kind, depending as it does on a species of Monopoly under which we possess exclusive control neither over the production nor the consumption of the article: it has already been materially affected by the competition of the Opium of Malwa; and from the continued increase of supply from that district, as well as from its improved quality, which has enabled it to fetch an enhanced price in the foreign market, it would appear that the same cause must in all probability hereafter produce a still greater reduction in the Revenue. It would therefore be highly imprudent to rely upon the Opium Monopoly as a permanent source of Revenue; and the time may probably not be very far distant when it may be desirable to substitute an Export Duty, and thus, by the increased production under a system of freedom, to endeavour to obtain some compensation for the loss of the monopoly profit.

Another source of Revenue under this head, is the Duties collected on the transit of Malwa Opium through Bombay; the Government having for the two last years abandoned their attempted Monopoly of that article, and substituted a Permit or Transit Duty, which has been attended with satisfactory results. It is in evidence, that previous to this Regulation, two-thirds of the Opium of Malwa were carried by a circuitous route to the Portuguese Settlement of Demaun, and only one-third brought to Bombay: but latterly, no more than one-tenth has been exported from Demaun, and the remaining nine-tenths have been shipped from Bombay, yielding to the Government a revenue of £. 200,000 for the current year. Although there can be no doubt of the policy of this measure, it must be recollected that every additional facility which is afforded to the sale of Malwa Opium, will eventually enable it to enter with increased advantage into competition with the Opium of Bengal; a consideration which tends still more strongly to recommend either the adoption of the system adverted to in the preceding paragraph, or of some other equally calculated to meet such a contingency.

2926 & 2928, of 1832.

TRANSIT DUTIES.

A SYSTEM of Inland Transit Duties existed throughout India under the Native rule; every great Zemindar exercised, with or without authority, the power of levying Tolls on Merchandize passing through his territory.

898, of 1832.

In some of our more recent acquisitions, the Native System is, or was at least until lately, retained; and Duties of various amount levied at almost every stage of the journey. In most of our Territories these various Tolls have been commuted for one general Duty, payable at the nearest station to the place whence the goods are despatched, and a Permit is issued by the Collector authorizing the goods to pass free to the place of their destination.

Evidence before the Lords, p. 152.

The general Duties substituted by the Company are lower than the aggregate Frontier Duties levied under the Native Governments. This

1392 & 2480, of 1832.

Mr. Mackenzie's Memorandum, in the Appendix, No. 149.

appears to be the sole advantage that the Merchant has gained by the commutation; for as the goods are liable to examination at almost every village, the delay and vexation are not less than under the Native System. At each of the stations too, (in the Madras Presidency, at every village) a fee or douceur is exacted by the Native Officers entrusted with the examination, although such practices are expressly prohibited by law. These fees, though not very oppressive to the great Merchant, are represented as being equivalent to a prohibition to the adventurer on a small scale.

910, of 1832.

The Duty is generally *ad valorem*, except on Salt, Tobacco, and a few minor articles, which are subject to a duty upon the quantity; on Silk and Indigo, it is levied according to a fixed valuation. Some articles, such as Piece-goods, of which the value of different descriptions varies extremely,

1837, of 1831.

are necessarily left to be appraised upon examination by the Custom-house Officers, whose pay is by no means in proportion to their responsibility, over whom, from the multiplicity of their accounts, little control can be exercised, and who are represented as being in consequence open to corruption.

917, of 1832.

Goods imported by Sea pass free in the Interior, whether chargeable with an Import Duty or not. On Goods for exportation, the Inland Transit Duty is either wholly or in part repaid. The inconvenience of these Drawbacks is considerable to the Merchant in the payment of the money in

936, of 1832.

the first instance, and to the Public Officers in adjusting the claims for repayment. It occupies a separate Department in the Custom-house.

Evidence before the Lords, pp. 215 & 152.

The collection of the Inland Duties in some districts has been farmed to the highest bidder, whose interest it becomes to induce the Merchant to pass through the district under his management, by levying light Duties, and causing as little vexation as possible; and consequently the great traders, if not the petty dealers also, usually pay somewhat less than the rates which he is authorized to levy; there being also on his part stronger motives to a vigilant superintendence, there is less smuggling and less venality than in those districts where the Duties are collected under the Aumanee system, that of direct Government Agency. One disadvantage of the farming system is the difficulty of obtaining correct accounts of the Trade of the country.

The whole system of Inland Transit Duties is represented by most of the Witnesses as being a fertile source of vexation and annoyance.

CUSTOMS.

UNDER this head are included Sea Customs, the Duty on Saltpetre, the Monopoly of Cardamums, &c.

The Sea Customs in Madras, Bengal and Bombay, are collected under the same Regulations, by the direct agency of Government Officers. They are never farmed.

Your Committee content themselves with a reference to certain remarkable cases of extortion, which are alleged to have occurred in the collection of the Customs, according to the Evidence of Mr. Peter Gordon, February 1831.

This branch of Revenue is collected,

In Bengal, at a charge of from 8 to 27 per cent.
Madras - - - - - - - 2 - 31 -
Bombay - - - - - - 5½ - 39 -

The

The Sayer collected from Saltpetre by the Zemindars in Tirhoot, and various other districts favourable to its formation, was fully investigated in 1819. It was ascertained that in Tirhoot alone had the Government reserved this right; and there the Government claim a share of the Produce, (to the amount of a quarter, according to the belief of one Witness,) and that share is valued in Money. 276, of 1832.

The Cardamum is a production of the Mountains of Malabar, Canara and Coorg, which may be called spontaneous; the only process of cultivation being the burning of the trees, from the ashes of which, wherever they lodge in the crevices of the rock, the Plant springs up. In Malabar, they have been considered, from time immemorial, a Royalty: in Canara, they are the property of the Ryot. The Land on which they are produced pays no Assessment. 2808, of 1832.

The Collection is farmed by the Government to the highest bidder, to whom the Cultivator is compelled to deliver his whole Produce. The market price is from 800 to 1,000 Rupees per Candy of 640 lbs.; for which, the Government directs that the Grower should receive from 550 o 700 Rupees. These intentions the Contractor evades, to a great extent, by putting an enhanced value on the Coin in which he pays the Producer, or by compelling him to take Goods in lieu of Money. Evidence before the Lords, p. 214.

Not a hundredth part of the Produce is consumed by the Natives. It is the opinion of Witnesses, that the system checks production; and in Canara, a disposition has been shown to abandon the cultivation. 2810, of 1832.

SAYER AND ABKAREE.

Lord Cornwallis included under the term "Sayer Duties" all irregular collections by Provincial Officers. When the Permanent Settlements were made in Bengal, all these Duties were abolished, and the regular Inland Custom, or Transit Duties, established. Town Duties were afterwards established in the principal Cities and Towns of Bengal. 273, of 1832.

In the Finance Department, the term Sayer is retained. The Sayer Duties mentioned in the Accounts, as distinct from Abkaree, are probably Town Duties, and Duties at Bazaars and Markets. In Tirhoot, there is a Revenue derived from the Saltpetre, which is properly a Sayer Collection. The Collections from Gyah and other places of Pilgrimage in Bengal are included under the term Sayer. In Madras, the Reports of Officers, when speaking of the Transit Duties, call them Sayer Duties. All the Collections from inconsiderable sources, when they are spoken of in the Accounts, are brought under the general term Sayer. In the Bombay Territories, as formerly in Bengal, there were a great variety of Sayer Duties collected; these have been abolished, and fixed Customs Duties substituted. 390, of 1832.

In the Deccan, the Sayer is divided into two branches, the Moturpha and Bullooteh. 2126, of 1832.

The Moturpha is a tax on Professions and Implements. It is collected in the Deccan, with some trouble and some imposition, by the Village Officers.

The Bullooteh is a tax upon the Fees in Kind which the Village Artizans receive from the Cultivators.

In the Deccan also, the Extra Cesses are very numerous, and their number varies in every village. Under the Village System, they are collected by the Pattel, and are paid, part to the Government, part to the Village and District Officers. Under the Ryotwar System, the Cesses formerly paid in Kind are commuted for a Money Tax, which is represented as productive of considerable inconvenience and oppression. It has been suggested that they might be consolidated, and thrown upon the Land.

The term Abkaree is applied specifically to the Duty on Spirituous Liquors and intoxicating Drugs. Under this head also are sometimes included the collections on Pepper, Betel, and the produce of the Arrack and Toddy Taxes. The Duty on Spirits in the three Presidencies, and those on the retail sale of Opium and other intoxicating Drugs, are chiefly levied by means of Licences to open Shops. In some instances, the Licence stipulates for a daily payment. There is a Still-head Duty on Spirits manufactured in the English fashion, 6 annas, being 6-16ths of a Rupee, per gallon, London proof. These Taxes appear to be collected with less expense, and with less peculation on the part of the Native Collectors, than many others: they cause little complaint.

942, of 1832.

282, of 1832.

"Lords' Evidence," p. 115.

There is no monopoly of Betel; the sale and cultivation are both free; this is represented as a considerable alleviation to the Inhabitants of Malabar of the oppression of the Tobacco Monopoly, Tobacco being generally eaten with Betel.

TOWN DUTIES.

903, of 1832.

THE Town Duties were formerly applied to local improvements; they are now merged in the general Revenues of the country. In the Presidency of Madras, Town Duties are levied in the City of Madras alone.

WHEEL TAX.

Evidence before the Lords, p. 279.

THE Tax on Hackerys, Carts, Buggys and Chariots, appears to be confined to Bombay; the Collections are leased to the highest bidder. It is represented, in a letter from a Native of rank, as being very oppressive in amount. In a country where Capital is so scarce, and Implements so rude, a Tax on the Peasants' Carts can scarcely be so low as not to be oppressive, without being at the same time too low to be worth the trouble of collection.

TOBACCO.

THE Tobacco Monopoly is confined to the Provinces of Coimbatoor, Canara, and Malabar; the cultivation being permitted only in the former, the produce is sold at Monopoly prices in the two latter. These districts are easily accessible only by particular routes, or by Sea; which circumstances afford facilities to the collection of a large Revenue on Tobacco which do not exist elsewhere.

The Ryot cultivates under Licence, and is compelled to deliver the whole Produce to Government.

Ditto, p. 212.

The Monopoly, in the first instance, raised the price to the Consumer to 300 or 400 per cent.; and owing to abuses in the management, often from 700 to 800 per cent. For a Candy of indifferent Tobacco the Natives now pay 205 Rupees, when for the best they formerly paid but

4768, of 1832.

60. The cost of a Candy of Tobacco in Coimbatoor is about 22 Rupees,

while

while the Monopoly price at Palghaut in Malabar, 25 miles distant, is 175 Rupees. In consequence of representations made to Government, the Monopoly Price was reduced, in February 1816, from 228 to 175 Rupees per Candy; but in the same year it was sold at 200 per cent. advance on the Monopoly Price, or 525 Rupees, being more than 800 per cent. upon the selling price to the Consumer before the introduction of the Monopoly. The cause of the advance upon the Monopoly Price, in this instance, does not appear.

By the operation of this system, the lower classes are deprived of the legal use of a commodity which, in the moist climate of Malabar, is considered as a necessary of life. The consequences are, that Smugglers, in bodies of 50 or 100, traverse the country, plundering wherever they go, and occasionally overpowering the Police. Instances have occurred of whole villages being burnt by them, when the Ryots had refused to sell their Tobacco. All the Witnesses speak of the great increase of Crime and Fraud which has taken place. Since the introduction of the present Monopoly, the consumption in Malabar, among an increasing Population, has decreased more than 40 per cent. 4768, of 1832.

The Land Tax in Coimbatoor, upon the Lands which yielded this Tobacco, was fixed in 1800 with reference to the unrestricted cultivation and free sale of the commodity. In 1812, the Government prohibited the cultivation, except under Licence, in quantities and at prices fixed by themselves; but no alteration was made in the Land Assessment. Ibid.

In Malabar and Canara the Land Revenue is lighter than in other districts.

Tobacco is extensively cultivated in Guzerat, and in the Northern Provinces generally. 1421, of 1831.

POST OFFICE.

THE Mails are carried by Runners on foot, at the usual rate of four miles, an Extraordinary Express at the rate of five miles an hour. The general state of the Roads in the Interior does not admit of conveyance by carriages or horses, nor would the sudden rise of the Rivers, and the overflowing of the Mountain-torrents, permit the use of them during the Rainy Season. A Horse-post was tried for some time in parts of the Deccan, but was discontinued.

The Mail is not at present much used by the Natives. The Government Despatches, which are conveyed free, exceed in bulk all the private communications that are sent by Post. 1396, of 1832.

Your Committee do not see any room for material improvement of the Post-office system, in the present state of the country. They observe, however, that the Public Servants are allowed to frank without restriction as to weight or number. 971, of 1832.

STAMPS.

THE Stamp Tax was established in Bengal in 1797. The Towns of Madras and Bombay, within the jurisdiction of the King's Courts, are exempted. 302, of 1832,

The Instruments liable to this Duty in Bengal are Contracts, Deeds, Conveyances, Leases, Powers of Attorney, Policies of Insurance, Promissory Notes, Receipts, Bail Bonds, and Legal Proceedings generally. Bills of

Exchange under 25 Rupees, and Receipts under 50 Rupees, are alone exempt.

The distribution takes place in the same way as in this country; the use of them is becoming more general, and the Revenue therefrom increasing. The payments between the Ryots and the common Dealer are generally too small to require a Stamp. All Transfers being now required to be made on Stamped Paper, the great Native Capitalists, who pay no other direct Impost, are included under the operation of this Tax.

In Madras the Duties were imposed in 1808 chiefly on Legal Proceedings; in 1816 the Duties were extended to Bonds, Bills of Exchange, Receipts, and to Deeds, Leases and Mortgages. The Revenue derived from this source seems to be stationary. The Judges in this Presidency reported generally to Sir Thomas Munro, that the use of Stamped Paper had considerably checked the Forgery of Deeds and other Documents.

The Stamp Tax was established in the Bombay Territory in 1815.

PILGRIM TAXES.

BESIDES the collection of a certain Sum per head upon all Pilgrims resorting, not only to the great Temples, but to many of the smaller Pagodas of celebrity, the Offerings which the Devotees bring with them are also subjected to a Toll, being divided in fixed proportions between the Officiating Priest and the Renter of the Tolls. Fixed Sums are also demanded for permission to perform the various Penances to which the Devotees subject themselves; and no Shops, Booths or Stalls can be erected during these Festivals without paying a Fee for the Licence. No
401, of 1832. Pilgrim Taxes are collected in the Madras Presidency by any Public Regulation, but the Offerings made by Pilgrims at the great Temples are, conformably to ancient usage, applied to the Service of the State, after defraying therefrom the Expenses of the Temple.

The subject of Pilgrim Taxes, and Imposts of a similar character, have excited much interest and attention in this Country, but Your Committee refrain from entering upon the question, as they are informed that it is at this time under the consideration of the Home Authorities.

IV.—*Judicial.*

IN the Judicial Department such Evidence, oral and documentary, has been taken, as seemed best calculated to exhibit the actual state of the Judicial Administration in India, during the period which has elapsed since the last renewal of the East India Charter.

Shortly after the passing of the Act of the 53 Geo. 3, c. 155, important alterations were introduced into the Judicial Code of the Madras Presidency. The Regulations of the other Presidencies have also been modified at various times, in several particulars; and in Bengal changes of great extent have succeeded each other at recent periods.

The Inquiries of Your Committee have been directed to the nature and extent of those several alterations, the success that has attended such as have been for some time in operation, and the anticipations formed of the probable effect of the more recent measures.

In the prosecution of this branch of their Inquiries, much valuable information has been received as to the nature and causes of the delays in the administration of Civil and Criminal Judicature; the forms of proceeding in the Indian Courts; the duties and qualifications of the Vakeels or Native Bar; the mode of taking Evidence; the efficacy of Judicial Oaths, and the credibility of Native Testimony; and the Costs attending the prosecution and defence of Civil Suits. Inquiry was also made into the efficiency of the Criminal Courts, and the duties and qualifications of the Mahomedan Law Officers, whose opinions, or verdicts, were required to be taken in all trials before the Courts of Circuit.

Your Committee directed their particular attention to the question of what alterations it might be necessary to introduce into the system of Judicial Administration if Europeans should be permitted to resort freely to India, and to settle themselves in our Territorial Possessions. Connected with this subject was that of the preparation of a Code of Laws defining rights more distinctly than has yet been done, and laying down principles which should govern our Judicial Tribunals in adjudicating on questions of tenure, inheritance, succession, and contract, and the expediency of establishing Legislative Councils abroad, or the best means of otherwise providing for the preparation of local enactments calculated to ensure the pure and speedy administration of justice.

The System of Education employed for preparing the Civil Servants of the Company to discharge the various and high duties which devolve upon them, and more especially those of a judicial nature has been inquired into. The Investigation embraced the studies at the East India College at Haileybury, and particularly that portion of them which was dedicated to the acquisition of the principles of general and particular Law; and it was extended to the System of Instruction prescribed to Writers on their arrival in India, and the course of their employment and promotion in the several branches of Indian administration.

The practicability and expediency of employing Natives to a greater extent than has hitherto been the practice in the Administration of Justice, both Civil and Criminal, being a subject of peculiar interest and import-

ance, minute inquiries were made into the extent to which Hindoos and Mahomedans had heretofore been engaged in those functions; the education by which they had been prepared for their duties, and the effect of national habits and feelings on their moral character; the nature of the institution denominated "Punchayet," its resemblance to that of juries or of arbitration; the fitness of natives to sit as jurors or as assessors in the courts, and their qualifications for discharging the duties of justices of the peace, exercising jurisdiction over Europeans as well as over their own countrymen.

To the oral Evidence, the chief points of which Your Committee have now briefly stated, they have added a considerable number of valuable Documents, which they have arranged in Classes.

Appendix I. The First Class consists of a series of Letters from the Court of Directors of the East India Company to their Governments of Bengal, Madras and Bombay, reviewing severally the operations of the Civil and Criminal Courts at those Presidencies.

Appendix II. The Second Class embraces Discussions relative to the Measures recommended by the Home Authorities in 1814, and the operation of the Changes introduced into the Madras Code in 1816.

Appendix III. The Third Class exhibits the grounds on which the appointment of the functionaries denominated "Commissioners of Revenue and Circuit" took place.

Appendix IV. The Fourth Class contains important Documents relative to the alterations in the Judicial Administration, which were suggested chiefly by the Calcutta Finance Committee, and the Changes which have in consequence been introduced, or are in contemplation.

Appendix V. As illustrative of the details of the foregoing Documents, Your Committee have added a series of Statements, some of which have been prepared in this country, and some in the office of the Judicial Secretary at Calcutta, showing the extent, operations and expense of the Judicial Establishments.

Appendix VI. The Laws, to the consideration of which the labours of Your Committee have been devoted, being spread over a number of large volumes, which it is not easy to consult, and it being frequently desirable to refer either to the course of legislation on the several topics of Local Law or Regulation, or to the subject of any particular Enactment treated of or referred to in any Document under consideration, Your Committee have caused an Abstract to be prepared of the Judicial Regulations of the Bengal Code (which has principally served as the text-book from which the Regulations of the other Presidencies have been framed), and, as the provisions of the Revenue Laws are found to blend themselves so intimately with those for the administration of Civil Justice, and the duties of the Collectors to partake, in so many instances, of a judicial character, the Committee directed the preparation of a similar Abstract of the Bengal Revenue Regulations. These Abstracts constitute the Sixth Appendix.

V.—*Military.*

ON all matters relating to the Army in India, many Witnesses of great ability and experience, both Civilians and Military Officers, have been examined, from whom there has been obtained much valuable information of a general nature, and also relative to matters of detail.

Upon a subject so extensive, and which involves many questions of delicacy, as well as of general policy, Your Committee are not prepared, at this late period of the Session, to enter into particulars. They must therefore refer, for specific information, to the Minutes of Evidence, in the Appendix; but, with a view to facilitate the acquisition of a knowledge of the purport of that Evidence, they have inserted in the Appendix a Synopsis of the Evidence, arranged under different heads, with an Index of Reference.

Although Your Committee, for the reason already stated, consider it inexpedient to express their sentiments upon the numerous points to which attention has been directed, they cannot separate without discharging the pleasing duty of recording it as their opinion, founded upon all that has passed under their review, that the high reputation which has been long enjoyed by the Army of India is well merited; and they are strongly impressed with the conviction, that the important requisites of efficiency and economy are happily combined in the constitution of the Indian Army, and in the general and detailed administration of its affairs.

VI.—*Political or Foreign.*

VI. POLITICAL or FOREIGN.

ON the State of the Political and Foreign Affairs of India, recourse has been had to the oral Evidence of several gentlemen who, either from their long official residence in India, or from the long application of acknowledged abilities to Indian Affairs, were most calculated to throw light on the subject; to several Papers and Documents communicated by the Board of Control; and to several Statements, affording very valuable information, from gentlemen who have held official situations in India, in reply to the Circular Letter of the Secretary of the Board of Control.

With respect to the changes which have taken place in the Political and Foreign Affairs of the Company since the renewal of the Charter in 1813, the annexed Tabular Statement exhibits in one view the additions of Territory acquired during that Period, whether by war or by amicable arrangements with *Native States*. Malacca, Singapore, and the Dutch Possessions on the Continent of India were ceded by the *King of the Netherlands* in 1824, in exchange for the British Settlement of Bencoolen in Sumatra.

Treaty with the King of the Netherlands, 1824.

In order to afford a clear and comprehensive view of the relations of the East India Company with the various Foreign States, whether within or without the limits above described, a List is subjoined of the several

States, arranged according to the nature of their relations to the British Government.

Foreign Independent States:

China.	Persia.
Cochin-China.	Caubul.
Siam.	Muscat.
Ava.	

Native States *not* under British Protection.

Nepaul.
Lahore (subject to Runjeet Sing).
Chiefs of Scind, at the mouth of the Indus.
Scindia.

Native States *with which Subsidiary Treaties exist.*

12.

King of Oude.	Travancore (whose capital is Trivandrum.)
The Booslah, or Rajah of Nagpore.	Cochin (whose capital is Cochin.)
The Nizam (whose capital is Hyderabad.)	The Guicowar (whose capital is Baroda.)
Holcar (whose capital is Indoor.)	Cutch (whose capital is Bhooj.)
Mysore (whose capital is Mysore.)	

Native States under British Protection but *without* Subsidiary Treaties.

Siccim.	States of Rajpootana.
The Seik, or Hill States, on the left bank of the Sutledge.	States of Malwa.
	States of Guzerat.
Jaut, and other States, on the right bank of the Jumna.	States on the Malabar Coast.
	Burmese frontier.
Boondela States.	

State Pensioners.

The King of Delhi.	Rajah of Tanjore.
Nabob of Bengal.	The Peishwa.
Nabob of the Carnatic.	The Princes of the House of Tippoo, &c. &c.

Advertence will first be had to Foreign States, extra-Indian, which, for the purposes of the present Inquiry, it is only necessary to mention in a cursory manner.

The state of the Company's relations, both Political and Commercial, with the Empire of *China*, has been considered in a former Report, in connexion with the important question respecting the Monopoly of the China Trade.

20, 21, 22, 23, 24. With *Persia* the Company are in Alliance, and have a Resident at the Court of the Sovereign.

20. With *Cochin-China*, *Siam*, *Caubul*, *Nepaul* and *Ava*, the intercourse of the Company is principally of a Commercial nature, but they have Residents established at Nepaul and Ava. These Residents, in the opinion of one witness, might be withdrawn, and the intercourse kept up by occasional special Envoys; in which case the witness represents that the Company would be relieved from a considerable annual Expense.

With the *Imaum of Muscat, and with other Chiefs on the Western shores of the Persian Gulf*, the Company have Treaties for Commercial purposes, and with a view to the suppression of the Slave Trade, and of Piracy in the Gulf. In order to secure the fulfilment of the provisions of these Treaties, the Company have established Political Agents on the shores of the Persian and Arabian Gulfs. It is suggested by the same witness that a Native Agent at *Muscat*, or an European Merchant as Consul, with one or two Cruisers in the Gulf, would do all that is necessary at a considerably diminished expense.

421 446. Before the war which broke out during the administration of Lord Hastings, the *Nepaulese* held a very threatening and commanding position along the whole of our Northern frontier. The opinion of the witnesses

witnesses is, that the Treaty by which that war was terminated has amply secured us against this danger. The Nepaulese are now confined on three sides by our Territory, and on the North by the Himalaya Mountains, so that they are completely enclosed, and have no power of acting in any direction beyond their own Territory. 438.

The most powerful independent Prince in India is *Runjeet Sing*. His Territory is, in the language of one witness, the only one in India that is not substantially British dominion. It consists principally of the Punjab, or country lying within the five branches of the Indus. The population consists of various tribes of unsettled and predatory habits. 14. 53, 54, 55.

Within the Peninsula, *Scindia* is the only Prince who preserves the semblance of independence, and he preserves no more than the semblance; his power has been completely broken by a succession of reverses. His dominions are surrounded by the Territory of the Company, or of Allies who are bound to negotiate with Foreign States only through the intervention of the Company. We have a Resident at his Court, and a stationary camp in his neighbourhood. 17, 18. 374.

The States which compose *the Subsidiary System* have been already enumerated. It is unnecessary here exactly to define the various degrees of interference which the Treaties with these States permit. It will be sufficient to describe the leading features which are common to all the Treaties.

The chief provisions contained in these Treaties are, 1st, The stipulated protection of the British Government against all enemies, foreign or domestic. 2d, Mutual co-operation in the event of hostilities with other powers. 3d, The Allied State agrees to receive and maintain a British force for the protection of the State. 4th, The State agrees to receive a British Resident, through whose medium is imparted the advice and counsel of the British Government on all affairs connected with external, and sometimes with internal, administration, by which advice and counsel the Allied State is bound to abide. 5th, The Prince agrees to abandon all political intercourse with other powers, except through the medium of the British Government, and binds himself to refer to the latter all disputes that may eventually arise with other powers.

On the other hand, the Prince retains in general the exercise of his independent authority on all civil matters within his dominions.

In some cases the Princes who had engaged to pay a pecuniary Subsidy for the maintenance of a British force have subsequently ceded territory in lieu of Subsidy. In the recent Subsidiary Alliances this practice has been generally adopted.

On the question whether the Subsidiary system be favourable to the happiness of the great body of the people, great diversity of opinion appears to exist.

The old remedy, it is said, for gross misgovernment in India, was conspiracy or insurrection. The Subsidiary system, by introducing a British force, bound by Treaty to protect the Sovereign against all enemies, domestic or foreign, renders it impossible for his subjects to subvert his power by force of arms. That fear of the physical strength of the people which, in the independent States of the East, checks in some degree the cruelty and rapacity of rulers, has no effect on Princes who are assured of receiving support from Allies immeasurably superior to the Natives in power and knowledge. Thus the dependant Sovereign, restricted from the pursuits of ambition, and secured from the danger of revolt, generally 1. 36. 75. 165. 255. 276. 302. 304. 518.

becomes voluptuous or miserly; he sometimes abandons himself to sensual pleasure; he sometimes sets himself to accumulate a vast hoard of wealth; he vexes his subjects with exactions so grievous that nothing but the dread of the British arms prevents them from rising up against him. The people, it is said, are degraded and impoverished. All honourable feeling is extinguished in the higher classes. A letter from Sir Thomas Munro has been quoted, in which that distinguished officer states that the effects of the Subsidiary System may be traced in decaying villages and decreasing population, and that it seems impossible to retain it without nourishing all the vices of bad government. Mr. Russell, who was, during nearly 21 years, Resident or Assistant Resident at Hyderabad, and Mr. Bayley, who was, during five years, a Member of Council in Bengal, have expressed the same opinion in the strongest terms. Colonel Barnewall, who was Political Agent in Kattywar, says that "it is "the most difficult thing to prevent our protection from being abused." Mr. Jenkins, who was Resident at the Court of Nagpore, says that "our "support has given cover to oppressions and extortions which probably, "under other circumstances, would have produced rebellion."

399. On the other hand, some witnesses, whose evidence is entitled to great respect, speak of this system more favourably. Sir John Malcolm is of opinion that it is not ill adapted to the present state of society in India.
3. 193. Colonel Munro speaks well of its operation in Mysore and Travancore.
308. 314. But it is in evidence that Mysore was for a considerable time governed
3. 518. 594. by an able Minister, whom the British Government had selected, and
193. who acted under the direct superintendence of the British Resident;
276. 481. 535. and that in Travancore, where Colonel Munro held the office of Resi-
552. dent, he assumed (with the full approbation of his own Government) the charge of the whole administration of the country. He states,
204. that the British Resident has of late ceased to direct the Government, and that in consequence affairs have relapsed into disorder. There is also reason to believe that the evils which have been described as belonging
360. to the Subsidiary system have, since the death of Poorneah, been grievously
229. felt in Mysore. In fact, Colonel Munro distinctly says, "the Subsidiary "system is calculated to occasion misgovernment and oppression of the "inhabitants, unless it is corrected by the influence of the British Resi-"dent." Colonel Baillie, who was Resident in Oude, and whose opinion is, on the whole, favourable to the Subsidiary system, states, that the Sove-
550. reign at whose Court he was stationed collected vast sums in discredit-
564. 569, 570. able and oppressive ways; that the British force was frequently employed in assisting the collection of the revenue; that we were bound by treaty to put down all resistance to the Established Government; and that the Prince was, by his connexion with us, completely relieved from all fear of deposition.

219. 587. 613, 614. It seems to be the general opinion of the witnesses who are most favourable to the Subsidiary system that the constant interference of the British Government is necessary to make that system tolerable to the body of the people; but about the degree and mode of interference great diversity of opinion seems to exist. In some of the dependant States, the British
222. Government has insisted on the appointment of a Dewan or Minister, in
359, 589, 590. whom is placed confidence; and it appears to have been the opinion of
1. Sir Thomas Munro that this plan, though objectionable, is yet, on the whole, the best which can be adopted. "It is," he says, "the only "measure by which any amends can be made to the people of the "country for the miseries brought upon them by the Subsidiary force in "giving stability to a vicious Government." The opinion of some
599. witnesses of great authority is adverse to this plan. In Mysore, during the

the long minority of the young Rajah, it is said to have succeeded perfectly. In the dominions of the Nizam, on the other hand, it is said to have aggravated all the evils which are ascribed to the Subsidiary system.

It is proper to add, that all the Evidence which has been offered to Your Committee on this subject tends to show that any sudden change would be attended with difficulty and danger. Those witnesses who have dwelt most on the evils of the Subsidiary policy, have admitted that we can remove those evils only by watching for favourable conjunctures, and by gradually introducing a better system. 3 49. 226 358. 536. 602. 616.

If we are not to abandon the Subsidiary system, it is clearly our duty to render it as beneficial, or rather as little detrimental, as possible, to the interests of the inhabitants of the Allied States.

The personal character of the Resident must always be a matter of the greatest importance. He is much more of a Minister than an Ambassador; he carries the Subsidiary system into effect; and is the organ through which the views of the British Government must be promoted. He has to perform the delicate task of governing those, who, from their station, should themselves be Governors, and has to contend with the perpetual intrigues of the natives who surround the Court. But there is evidence to prove that, if the efforts of the Resident are judiciously directed, he may not only promote the interests of his own Government, but increase the prosperity of the country in which he is placed. In many cases, the Treaties leave to the Subsidized Prince independent authority within his own dominions, yet if the Prince, in the exercise of that authority, so vexes his people as to endanger public tranquillity, in that case it must be the duty of the Resident (with the sanction of his own Government) to address the strongest remonstrances to the Prince, with a view to induce him to adopt a more equitable system of rule. In point of fact, as already observed, it appears that efforts of this nature have been frequently made, and sometimes with good effect. 6. 588. 573. 483. 316. 486. 557. 563, 564. 45.

In consequence of so large a portion of British troops being maintained by the Subsidiary Princes, the Supreme Government appear to have felt themselves enabled, within the last three years, to make great military reductions. At present the British Subsidiary Force is distributed amongst the Allied States according to the terms of the Treaties; in addition to which the general security and tranquillity of our own territories are provided for by permanent camps, stationed in such positions within the Company's territory as are considered to be the most eligible, with a view to guard against external danger, and to preserve internal order and tranquillity. If the direct sway of the Company should be hereafter extended over the territories of the Princes with whom we are now in alliance, we should of course be relieved from the obligation of stationing a specific number of troops within those territories; and it is the opinion of one of the witnesses, that in such a case a *smaller* aggregate force, disposed where it might act with the greatest advantage for general purposes, would be quite as efficient as the larger force which, under present circumstances, it is necessary to maintain. 62.

Those States which are dependant on the Company, but are not Subsidiary, will now be noticed. Among these are the *Rajpoot States*; a collection of principalities which stand to us in the same relation in which they stood towards the paramount power in former times. Having always been under the control of one superior or another, these Princes have the less reason to be jealous of our supremacy. The general feature of our engagements with them is protection and guarantee of their 276.

territory on our part, and acknowledgment of the British supremacy on theirs. Some are bound to furnish contingents of a specified amount; others to place the whole of their resources at our disposal. Some pay a tribute to the British Government, whilst others are exempt from that obligation.

276. 616. 4. The Rajpoot Chiefs are men of a high military spirit, and would be likely to revolt from vexatious restraints. It is said to be our policy to interfere as little as possible in their internal affairs.* Some of the witnesses conceive that it would be desirable to emancipate them altogether from the obligations which have been imposed upon them; but upon this point a difference of opinion exists between high authorities, and it is not deemed necessary to enter into that question.

285. With reference to the several minor States, not Subsidiary, with whom we are connected, Sir John Malcolm conceives that, instead of keeping up so many substantive Political Agents, carrying on a direct correspondence with the Supreme Government, it would be better to assign extensive districts to the superintendence of Commissioners, or Officers of a high rank, under some other designation, to whom the subordinate Agents should report their proceedings, and from whom they should receive instructions. Upon this plan, it is stated, a more uniform system of political management would be established, and the Governor-General in Council be relieved from the necessity of attending to matters of inferior importance.

It remains only to notice the *State Pensioners*. These Princes are the descendants of those Native Sovereigns whose dominions we possess. On these Princes, and their posterity, we have settled Pensions sufficient to maintain them in a manner suitable to their birth. They are greatly attached to the remnant of dignity which is left to them, and held in a certain degree of respect by the natives; but there does not appear to be any danger of their disturbing the peace of India, by attempts to recover the power of which they have been deprived.

* *Note.*—This observation is mainly founded upon Col. Tod's Letter in the Political Appendix.

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GENERAL APPENDIX.

I.

OBSERVATIONS on the State of Society among the *Asiatic* Subjects of *Great Britain*, particularly with respect to Morals; and on the means of improving it.—Written chiefly in the Year 1792.

To the Honourable the Court of Directors for the Affairs of The East India Company.

Honourable Sirs,

ACCORDING to the intimation which I lately took the liberty of giving, I have now the honour to submit to your consideration a tract which bears upon a subject pressed by repeated proposals on your attention, namely, the communication of Christianity to the natives of our possessions in the East.

That this is a question of importance, will hardly be denied; and from the numerous letters which have been addressed to the Court, in favour of such communication, as well as from the share of general regard now bestowed on subjects of that nature, it appears to be a question on which an explicit determination, on the part of the Company, is become necessary.

It is therefore in different views, worthy of a full and candid discussion; and such I have been solicitous to give it, actuated solely by motives of duty, arising from the several relations in which I find myself placed. For, in becoming an advocate, as I profess myself to be, for making known to our Asiatic subjects, the pure and benign principles of our divine religion, I not only pay that obedience which is due to its authoritative injunctions, but, in my sincere opinion, highly consult the true interests of the Company, and the general welfare of the many millions living under its government. Nor can I doubt, that this will be the verdict of serious deliberation, however a hasty view of the subject, under some of its aspects, may have unneccessarily excited alarm.

In earlier periods, the Company manifested a laudable zeal for extending, as far as its means then went, the knowledge of the Gospel to the Pagan tribes, among whom its factories were placed. It has since prospered, and become great, in a way to which the commercial history of the world affords no parallel; and for this it is indebted to the fostering and protecting care of divine Providence. It owes, therefore, the warmest gratitude for the past, and it equally needs the support of the same beneficent Power in time to come; for the "changes and chances" to which human affairs are always liable, and especially the emphatic lessons of vicissitude which the present day has supplied, may assure us, that neither elevation nor safety can be maintained by any of the nations or rulers of the earth, but through Him who governs the whole. The duty therefore of the Company, as part of a Christian community, its peculiar superadded obligations, its enlarged means, and its continual dependence upon the divine favour, all call upon it to honour God, by diffusing the knowledge of that revelation which he has vouchsafed to mankind.

In urging this momentous work, however, I wish to be clearly understood, as connecting with the formation and execution of any scheme for the performance of it, every prudent care, every just precaution, which may be suitable to the nature of the undertaking, and to the wise, humble, mild spirit of that religion which is to be recommended. At present I presume to offer no specific proposal, contending only for the general principle; but if that is recognised, I shall be most ready to submit the ideas I entertain of the manner in which it might be safely brought into operation.

If the considerations already adduced, did not sufficiently guard me against the censure of launching beyond the ordinary lines of business, I might justly plead, that the office which you, Gentlemen, exercise, and which I have the honour to hold in common with you, summons, not unfrequently, your attention to subjects of the highest nature,—to the principles of government, and the interests of nations; subjects upon which, having mentioned them, I may be permitted to observe, that even a deliberative voice, though to that you are not restrained, attaches a trust of great importance to the station of a Director.

But with respect to the execution of the treatise which is now offered to your perusal, I am sensible that I need the utmost indulgence. Incapable at best to do justice to the several topics which it embraces, I might yet in India, the centre of materials and information relating to them, have produced something less unworthy of notice; but though I held there the leading opinions now advanced, no idea of giving any publicity to them, by writing, ever occurred to me, until after my return to this country, when persuaded of the expediency of some attempt of that kind, and incited by a particular occasion, I several years ago

I.

Mr. Grant's State of Society in Asia.

hastily drew up the substance of the present essay. It has however since lien by me unused, and my other avocations have allowed me only to revise it, not to form a new work, as would certainly have been desirable. To meet a variety of opinions, and to fortify the argument which is maintained in it, many things are introduced which must be already known to you, and indeed things which in my own first views, I should have deemed superfluous; for according to my apprehension, the main question is so clear as to need little auxiliary illustration. Under all these disadvantages, however, I am content to come forward, at the call of a greater interest, forming no pretension to literary merit, nor having on that score, any higher hope, than that you may be pleased to receive this tract on the footing of one of those many *Papers of Business*, with which the records of your governments have been furnished, by the observation and experience of men whose time and thoughts have been chiefly employed in the concerns of active life.

I have the honour to be, with the greatest respect,
Gentlemen,
Your most obedient humble Servant,
Charles Grant.

East-India House,
August 16th, 1797.

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CHAP. I.

Introduction; including a brief Review of British *Territorial Administration in* The East.

British territorial Administration.

WHATEVER diversity of opinion may have prevailed respecting the past conduct of the English in the East, all parties will concur in one sentiment, that we ought to study the happiness of the vast body of subjects which we have acquired there. Upon this proposition, taken as a truth of the highest certainty and importance, the following Observations, now submitted with great deference, are founded.

He who ventures to propose a plan which has an air of novelty, at a time when the wildest fanaticism in politics and philosophy is pursuing, with impious and inhuman success, the indiscriminate subversion of received principles and existing establishments, labours under peculiar disadvantages. Truth, however, and reason, always the same, are not to be abandoned because they may sometimes be perverted and abused. Of late they have been perverted and abused in a way new in the history of the world. The writer of these observations holds the spirit that has thus broken forth, in the utmost abhorrence, and would stand at the remotest distance from its influence. His aim is to promote the peace and happiness of men, by pacific and rational means, and where he is compelled to speak of past or present errors and defects, he mentions them with no disposition to censure, but solely with the view of doing good. He trusts, that if the opinions which he delivers, and the measures which he recommends in the subsequent pages, be patiently and impartially considered, they will neither be found inconsistent with right principles, nor pointing to any other than the most beneficial consequences.

Although in theory it never can have been denied, that the welfare of our Asiatic subjects ought to be the object of our solicitude, yet in practice, this acknowledged truth has been but slowly followed up, and some of the inferences which are deducible from it, remain, as it should seem, still to be discovered. Of late undoubtedly much has been done, and excellently done, to improve the condition of our subjects in the East; yet upon an attentive examination it may perhaps be found, that much still remains to be performed.

A. D. 1757.

It is now five-and-thirty years since the English East-India Company, and through that Company the British Nation, acquired an extensive political power in Hindostan. Some time before this period, they had been compelled by the ambition of the French, to take a part in contests which had arisen among the Mahomedan Princes on the Coromandel Coast; for the representatives of that nation, the first among the people of Europe who conceived the design of procuring a dominion out of the broken empire of the Moguls, pursued their object by entering systematically into the politics of the Decan, and becoming hence the ally of one of the parties contending for the possession of the Carnatic, the English who foreseeing the success which would probably attend the unchecked prosecution of this ambitious enterprize, and in the consequent aggrandizement of their rivals, the ruin of their own commercial establishments, espoused the defensible pretensions of the other side. In this struggle they were finally victorious; they gave a Nabob to the Carnatic, who continued to depend

depend upon them; and were thus advanced to a certain degree of military and political importance in the eyes of the natives of that part of India. But that prince was left by treaty in full possession of the internal government of his territories, and exercised all the powers of sovereignty over the people of them. The only possession which the English retained for themselves, was a narrow tract of land along the Coast of Coromandel, chiefly in the vicinity of their principal settlement of Madras.

Bengal was destined to be the seat of British empire in the East. The first military operations however of the nation in that province, instead of being prompted by views of conquest, were employed solely for the defence of their principal factory, suddenly, when they thought only of the peaceable pursuits of commerce, wantonly attacked by the Nabob of the country, the recent successor of an usurper, with a numerous army. The English of Calcutta, having neither men nor means adequate to this unexpected service, fell an easy prey, and the survivors of the barbarous scenes then exhibited, were driven from their plundered settlement, and, destitute of every thing, forced to seek a wretched refuge on the water. At this crisis, the warfare and the political transactions into which the English had been led in the Carnatic, appeared of new importance. By the result of them, the Government of Madras was itself in a condition to assert by arms the right of the Company and the Nation, to the settlements of which they had been dispossessed in Bengal, and to seek a compensation for the immense property of which they had been despoiled.

That right was unquestionable; it was derived from the lawful sovereign of Hindostan, when the empire was in the zenith of its power, and had long been quietly enjoyed. The struggle made for the recovery and security of it, which was on our part self-defence, ended in the ruin of the aggressor; for after once breaking with us, he never thought himself safe until we should be extirpated. Fresh plots for our destruction soon terminated a pacification, in which he had never been sincere; we were reduced to the alternative of suffering extirpation from our just and ancient possession, or maintaining by force our footing in the country against the oppressive ruler of it; and a handful of foreigners driven to this extremity, accepted the offers of confederacy, which his sanguinary tyranny impelled some of the principal persons living under his government to make, for his deposition, and the substitution of another Mussulman in his room. Perhaps the rigid casuists might not choose to defend the expedient of facilitating the progress of our arms, by leaguing with the subjects of the Nabob, imminent as our danger and theirs was. This point must be left to be tried upon its own merits; but whatever decision may be passed concerning it, two things are in fairness entitled to attention in the general consideration of this subject:—First, that it is probable the Company and the Nation, had they remained without confederates, never would have submitted to be wantonly stript of valuable rights; therefore the maintenance of them, with further accessions of force derived from their own resources, might have produced the discomfiture of their enemy, and by an easy consequence, his loss of power:—Secondly, that the confederation into which the English entered was no part of their original plan, but an incidental circumstance in the sequel of hostilities.

From this circumstance, however, viewed in the most unfavourable light, prejudice has taken occasion to characterize the whole of their transactions of that period; and the French, who as has been said, first of the European nations, conceived the scheme of Indian war and conquest, and whose game of wanton ambition ended in the loss of all their possessions in the East, have not failed to describe the revolution in Bengal as originating in our lawless lust of wealth and dominion. Many of the inflammatory misrepresentations which envious disappointed rivalship has prompted them to make, our own countrymen have precipitately adopted, not examining whether, in their readiness to testify an abhorrence of injustice towards the natives of India, they were not inadvertently contributing to do injustice to the character of their own nation. But as in any serious inquiry into the duties which we owe to our subjects in that country, men of correct principles will naturally be led to carry back their view to the first steps by which we acquired power there, it is hoped that some brief elucidation of so important a question, both here and as it may come again into notice in the course of this essay, will be deemed no irrelevant digression.

By the deposition of Surajah Dowlah, the provinces which he had ruled, fell first under the control of the English, and subsequently under their immediate management. They acquired also among the conquests made from the French soon after this revolution, a tract of country on the Coromandel Coast, called from its relative situation, the Northern Circars; and at a later period, the celebrated district of Benares was annexed by cession to their possessions on the Ganges. These countries, thus acquired, and now held in full property by the British Nation, joining with them Bombay and Salsett, are reckoned by that able geographer, Major Rennel, to contain 182,000 square miles, that is 50,000 square miles more than are, according to him, contained in Great Britain and Ireland; and the population of these extensive regions may be estimated at about fourteen millions.* Besides these absolute acquisitions, the fertile territory of Oude, with its appendages, is to be reckoned among the states dependent on the British power, which are governed internally by their own princes; and all the territories which come under this description, are by the same author, computed to contain nearly 100,000 square miles. Supposing their population to be in proportion less than that of Bengal, it may be allowable to state it at six millions. The conquests lately made in the Mysore Country and on the Malabar Coast, are to be added to the account of the territorial property of the British Nation. They have not been directly

* The latest estimates would make Bengal, Behar, and our part of Orissa, to contain at least twelve millions. If they do, the whole population of these different possessions may amount to sixteen millions.

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directly comprehended in the foregoing enumeration, because it is intended to speak chiefly upon the authority of time and experience; but the observations which these suggest, respecting the people with whom we are already acquainted, will doubtless equally apply to those of the same race and principles, who are recently become our subjects. The number of these last may perhaps be estimated at two millions. Thus the whole aggregate of Asiatics who depend immediately and solely upon us for every comfort and happiness of good government, amounts to sixteen millions*; and those who indirectly and partially depend upon us, by living under princes subject to our control, and therefore considerably under our influence, if we chose to exert it, even in matters of interior regulation, amount, as has been stated, to six millions. Such a charge as this, a charge of no less than two-and-twenty millions† of people, must be allowed to be one of the most weighty and serious nature, as it constitutes also one of the largest divisions of the power which is distributed among the rulers of the earth.

What then has been the effect of our administration upon the countries which have thus fallen under our dominion? This is no unfair inquiry, nor is it proposed invidiously, but as having a relation to the main design of the ensuing pages; neither shall it be pursued upon conjectural positions or by problematical reasonings, but rested on the broad basis of general facts, many of which stand conspicuous in the records of our Indian transactions. That the same topics have already been handled by persons of distinguished situations, and especially that abilities have been employed upon them far transcending the humble pretensions of the present writer, would invincibly determine him to abstain from treating of them, if his design did not impose this task upon him, and impose it with a view which other writers have not exactly proposed to themselves. Happily this undertaking calls not for the powers or the details of regular history; nor on the other hand would it be answered by the exhibition of mere results, which would carry more the air of assertions than of facts. Facts, therefore, so far circumstantiated as to be seen in their truth and their connection, it will be his endeavour to trace with simplicity, and with moderation.

The account of our territorial management in the East, or of the internal exercise of our power in those countries which are now held directly by us, may be conveniently arranged into four distinct periods, of which it will be sufficient here to sketch the prominent features; and as Bengal with its appendant provinces forms both the main portion of our possessions, and the scene of our greatest exertions, experience, and progress, *that division* shall be the subject of our present brief review, with only such concluding notice of the other parts, as may serve to indicate the state to which they have hitherto advanced.

A.D. 1757 to 1765.

In the first period, comprehending eight years, from 1757 to 1765, the provinces (excepting a few districts ceded to the Company in the course of that time, with the sanction of the Mogul Emperor) were continued under the government of Nabobs, to whom the administration of civil and criminal justice, the collection of the revenues, and the general powers of internal superintendence and regulation, were left. The English reserved to themselves the direction of foreign policy, a controlling military power, a considerable tribute, and advantages in trade more extensive than the grants of the Emperors, or the past usage of the country, had conceded to them.

The circumstances of the first revolution seemed to dictate such a division of power; of which, the share vested in the Nabob is usually called, in the writings of that time, the *Country* or the *Native Government*, as when the mass of both divisions, or the complex power, Native and European, was spoken of, it was termed (sometimes in a way of censure) the *Double* Government. To this arrangement the orders of the Company seem to have at first restricted their servants, who if they had felt themselves more at liberty, would perhaps have deemed it unsafe or inexpedient to enter at once upon the direct charge of a government, to the details of which they were entire strangers.

But plausible as the system, viewed in some lights, appeared, it proved in practice unsatisfactory to all parties, and especially detrimental to the people. The Eastern governments are in general careless as to the interests of their subjects, and this is particularly true of Mahomedan rulers. The Nabobs created by the English in Bengal, foreign adventurers suddenly raised to power, dependent, suspicious, and rapacious, could have little concern for the lasting prosperity of a country, with the government of which, their connection was so casual and precarious. Whilst they saw with secret indignation the chief attributes of sovereignty in the possession of a handful of commercial men, every way alien to the Asiatic world, and so large a share of the riches of the country, devoted through them to a distant land; whilst they believed also that the favour of these people was uncertain, they could scarcely have any other aim, than to use the time present in making the most of their situations.

And indeed such seems to have been the temper of the other princes more remotely placed, who were stiled the allies, but who in reality were the dependents of the East India Company. Feeling that the same power which supported could also dispossess them, and habituated by the whole history and the manners of Hindostan to the ideas of perfidy and of change, they could have no settled confidence in the solidity of their tenures, but be on the contrary indisposed to that study to which Eastern rulers at the best need a stimulus, the permanent good of their subjects. Asiatics, accustomed either to absolute command or implicit obedience, do not seem well qualified to make a beneficial use of delegated or mixed power. The policy of our dependent allies has in general been directed only to secure themselves

* Or according to the preceding note, eighteen millions.

† Or according to the same note, twenty-four millions.

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selves in their situations: it has been their aim to please the immediate arbiters of their fate, and they have found either sagaciously or by incidental discovery, that even running largely in debt is one means of interesting many in the stability of their government. But this policy is pursued at the expense of their subjects, and the people, both of Arcot and of Oude, are with too much foundation represented to be in a wretched condition. A state of dependence seems also to unfit or indispose the princes who stand to us in this relation, for any vigorous co-operation in the external defence of their own territories. Perhaps that species of protection to which they have been used, has enervated them, made them unwilling to contribute the funds requisite in such cases, and persuaded them that the English will not suffer those countries of which they are in effect the paramount lords, to be possessed by any other power. Another evil, more formidable possibly than our experience has yet discovered, flows from this system; it enlarges the sphere of advantage to the servants, especially the military servants of the Company, it enlarges the military establishment, military emoluments, and perhaps encourages, in its consequences, the spirit of military independence. The experience we have acquired, may probably establish an opinion of the impolicy of forming any new connections of this nature; but with respect to those which already subsist, as it is our power which maintains the authority of our dependent allies over their subjects, it seems incumbent on us to exert every possible endeavour, consistent with the just sense and faith of treaties, that the governments which we thus uphold may render the people easy and happy.

Where the controlling power of the English and the derived power of the dependent Nabob met in one place, as in Bengal, they could not long exist together without collision. The unwilling submission of the weaker party, and the dominating temper of the stronger, soon became too plain; mutual distrust and aversion succeeded; the excesses of individuals inflamed the animosity on each side, and the country became the unfortunate scene of war. The cruelties, the rapacity, and the expulsion of Cossim Ali, whom an unhappy policy had elevated to power, are sufficiently known. Whether we ascribe his conduct to unprincipled ambition, or the licentious encroachments of Europeans and their dependents upon his proper authority, or with more probability to both of these causes, and the maddening effect of events hurrying him to lengths he had not deliberately purposed, it still exhibited this striking spectacle, the English obliged to fight with the creature of their own power, for the continuance of that power, nay even for their existence in Bengal; and the country, instead of being better protected under co-existing authorities, suffering grievously by both, and in their shock convulsed and torn. What had thus happened, however blameable the cause, might happen again; and this experience purchased at so dear a rate, naturally led the way to the acquisition of the Dewannee of Bengal, Behar, and Orissa.

This may be considered as a point at which a second period of territorial management commences. The Dewannee is the office of the Dewan, the title of the provincial collector of revenues under the Mogul Emperors, whose policy it was to place the financial administration of the several divisions of the empire, in hands distinct from those entrusted with military command and judicial authority. *A. D.* 1765.

The adventurers who upon the decline of the empire, assumed the powers of government in the provinces, assumed also the exclusive administration and appropriation of the revenues, as most essential to their views. The rights of the reigning emperor, however, though disregarded, had never been denied. He was induced, in consideration of an annual tribute to himself, and a handsome stipend to the reigning Nabob, who was also a party in this treaty, to grant in perpetuity to the East-India Company for their own benefit, the Dewannee, that is in other words, the revenues of those three provinces. He had not at that time, nor was likely ever to have, the least power to assert his rights; his bestowing that grant therefore, on the condition of an ample compensation, was making the most advantageous use he possibly could make of his pretensions. No other power in Hindostan would have given him such favourable terms; and his consciousness of this led him voluntarily to propose a cession of the Dewannee. It is thence to be concluded, that in this transaction he was guided chiefly by the exigencies of his own situation; for his remote distance from the seat of the Company's government must have rendered their influence over him proportionably weak. But at the same time it ought to be acknowledged, that the subsequent proceeding with him, by which the payment of the stipulated tribute was discontinued, appears to be of a more dubious character. This remark also is interjected for the sake of those who question the principles on which our acquisitions have been made.

The Company having before held a controlling military power, were thus put in possession of the finances of the country, which as an immense estate they were henceforth to manage, and to manage for themselves. The collection of the revenues there is known to have been till of late a business of extreme intricacy and detail; the causes of which have been explained in a variety of masterly productions, particularly the excellent writings of Mr. Shore* on this subject; into which, however, it will not be necessary to go farther here than the statement of certain usages which form the first lines of the Indian system of finance. In Hindostan, far the greater part of the revenue of the sovereign arises from land; and it has long been the universal practice to form the assessment of government upon the actual produce of the soil, and to do this annually. Not unfrequently the share of government has been paid in kind. In like manner the landholder regulates the rent of his inferior tenant annually, and according to the value of the articles which he raises, whether rice, cotton, sugar, or any

* Now Sir John Shore, Governor-General, in which high station he has largely added to the important services he had before rendered to the Company.

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any other of the many productions which the soil furnishes. It will easily be perceived, that this system, as it naturally leads to concealment on the one side, requires a constant course of vigilance and laborious local investigation on the other, in every rank of persons employed in the revenue, from the first officer to the lowest farmer of a village. Again, the sovereign is arbiter of the share which he himself shall enjoy of the produce; and though anciently his proportion seems to have been moderate, in modern times it has usually been very large. Despotism being the principle of government, force is the real, though sometimes latent instrument which procures acquiescence in his allotments. Without a compulsory power, ever ready to act, little revenue would be obtained. Arbitrary demand, peremptorily enforced on the one hand, sharpens all the arts of evasion, concealment, and fraud, on the other.

Since the fall of the Mogul empire especially, and under the Asiatics, Hindoos, or Mahomedans, who have usurped power, the business of collecting the revenues has been a most debasing struggle between the superior and inferior in every gradation. New taxes upon a thousand pretences, often false and preposterous, have been imposed even in direct breach of agreements before made. The revenue officers of every rank have exacted for themselves, besides collecting the demands of government; and from this fruitful source of injustice, severity, chicane, and meanness, have flowed innumerable evils to the community. Want of principle in the landholders and occupants of the soil has led the government to give them as little credit for their rents as possible; so that payment may in some places be required at the end of every month, or more often, by eight instalments in the year. From the inferior occupants of the soil, care is taken to secure arrears before the crops are removed from the ground, for otherwise from the poverty and artifices of that description of persons, those arrears will generally be in effect lost; because if they are recovered at a future period, it is in reality by an application of the produce of a new year, which having its own exigencies, will thence probably also owe a balance at the close. And as hence the necessity of summary proceeding with the renters has been pleaded, their complaints have not been allowed to suspend the payment of the demand on them; but this unremitting exaction has afforded the agent the opportunity of keeping his own malversations covered.

These elucidations may convey a faint idea of the vast detail and attendant difficulty of the Indian system of finance, notwithstanding the apparent simplicity of its fundamental principle*; but they also suggest that the power which enforces the payment of the revenues, as it is operative at all times and comes home to all persons, must be the first in the consideration of the people†.

The Company therefore were now not only to reap the produce of the country, but were virtually invested with the interior government of it, none of the prerogatives of dominion remaining to the Nabob ‡, excepting the judicial power, which was attended with no political importance. It was not however the policy of their servants, nor did they at first think themselves able to exercise all this power; but in entering upon their new privileges they made use of ministers who had served the Nabob in the affairs of the revenue. The people were taught henceforth to regard the Company as their masters; but they were treated with through the medium of the same persons with whom, as agents of the Nabob, they had before transacted. No Englishman was employed in the districts, or in the details of the collections, that is to say of the Dewannee lands §. The Mahomedan and Hindoo ministers of the revenue managed the whole, appointing all the subordinate officers, laying their general schemes of assessment before the principal servants of the Company, reporting to them the state of the collections from time to time, and disposing of the money received into the exchequer, according to their orders. The only persons who in the districts represented the Company in the exercise of the new powers they had acquired, were the same persons who on behalf of the native government exercised the like powers in them before; nevertheless, the effects of this change, besides the transfer of the financial rights and profits of the country to new hands, were many and important.

The wants and desires of the Company at home seemed to grow with this immense acquisition. Their servants abroad were suspicious, and not without reason, that all the sources

* The most methodical and full exposition extant of the Mogul system of finance is to be found in the *Analysis of the Revenues of Bengal* by Mr. *James Grant*, a work which, though it ought to have been set on foot by government at the moment of acquiring the Dewannee, was never attempted till he, from private curiosity, entered upon it many years afterwards, when the obtainment of accurate information on such a subject was become peculiarly difficult. In this elaborate treatise, he has developed with minute detail, both the principles of the Mogul system of finance and the sources and amount of the revenues collected from every division, great and small, of the soubah of Bengal, as well in remote periods as in the year preceding the assumption of the Dewannee. It contains a more complete account of the lands of Bengal than that rendered to our government by the native ministers in 1765, but is little known, being in manuscript among the records of the Company, and too much loaded with technical and involved language, the fundamental principle also of the Mogul system of finance having since been superseded in our practice; but it is the product of extraordinary disquisitory powers employed upon a curious and interesting subject.

† Strictly speaking, it must be supreme. The power of the Emperor went along with his Dewan. The English possessed the Dewannee only because they had power (which was not used before) to assert the grant.

‡ Who was the descendant of Jaffier Ali Khan, the first Nabob raised by the English, with whom a treaty had been made, in virtue of which, the succession was continued in his family.

§ Some districts, as observed above, were by cession before in the hands of the Company; who also had possessed commercial factories in the provinces above a century.

sources of revenue might not be fairly disclosed to them; and they were alarmed lest the amount of it should decline under their management. The progressive accessions of the Company also enlarged the views of every European in the provinces, and of the native dependents of Europeans. Power was not, as in the former system of government, inherent in one person only, but in many persons, all of whom therefore it invested with a portion of its consequence. The native ministers of the revenue wished to gratify the eager views of the Company, and to conciliate the general favour of the English. They had likewise their own interests and their numerous dependents to serve, and to serve whilst opportunity lasted; but whatever extraordinary funds they might with these aims seek to possess, as all parties concurred in the urgency of keeping up the standard of the public income, the only means left them, exclusive of the salaries they enjoyed, were private imposts, monopolies, or appropriations of one kind or another; and if, as has been affirmed with great appearance of truth, certain portions of the government lands were omitted in the accounts presented to their new masters, the burthen upon the rest must from this cause, as from others, have fallen the heavier.

Difficulties began to be experienced in realizing the assessment. A set of coercive officers or rather farmers of the revenue were employed in the districts to ensure and quicken the payment. These men, chiefly adventurers from Tartary or Persia, executed their business rigorously. Unfeeling and rapacious, uncertain of holding their employments beyond the year, they lost no time in amassing money for themselves; and the Zemindars, or principal landholders, made every extraordinary demand upon them, the ground of still more excessive demands upon the inferior tenants.

Compulsory measures came also to be used in providing the investment of the Company. As the new wealth poured into their treasury could be realized in Europe only by the medium of commerce, the orders for that investment were at once augmented two or three fold. The produce of every country and the demand for that produce having a certain relation to each other, it was impossible that the funds now destined for the purchase of commodities on account of the Company, could be invested at once without extruding private merchants. European individuals also, confident now both of protecting and controlling their native agents, employed them in trade all over the country; and the foreign European companies and their dependents, availing themselves of the substitution of the milder genius of English rule, for the prompt despotism of the Mahomedans, every where encreased their pretensions and activity. The manufacturers were not unfrequently obliged to accept the English Company's employ, and even those private agents required a preference to other traders. Some of the native dealers retired. Both natives and foreigners, especially those attached to the other European companies, complained; though the latter not always reasonably nor temperately; and in a word, violence and disorder became too prevalent.

Wherever the native agents of the English traders went, they assumed power; they interfered in the affairs of the country, and even in the proceedings of the courts of justice, which the Company still left solely under the control of the Nabob. These courts, which ought to have been the sure refuge of the oppressed, were before systematically venal, and in a time of divided power and general relaxation, were become so scandalously corrupt, as to constitute one of the most intolerable evils under which the country groaned.

All these causes operating with the energy of a new revolution, produced a great and unhappy pressure upon the country. It was in fact without a proper head. The English administration left the internal government to the native ministers, and these, little under the influence of public spirit, (a rare quality among the Asiatics,) intent chiefly on the affairs of the revenue, were unwilling to offend by honestly resisting the licentiousness of individuals.

With respect however to the Company and to Europeans in general, these various evils proceeded more from the elation of new success, from extravagant notions of the resources of the country, and unreflecting eagerness, than from intentional rapacity. They did not feel that the cognizance of the internal affairs of the country was a duty resting upon them, and they may have implicitly given credit to the ministers, more intelligent than themselves, for a regard to that important concern. For these causes, and the remoteness of the seat of English government, placed near one of the extremities of the country, they remained ignorant of the true state of the interior, nor were they fully aware that the natives whom they employed would exercise against their own countrymen any power, even falsely assumed, in the most unfeeling and iniquitous manner. They had not, in fine, at all preconsidered the probable effects of so great a change as the assignment of the Dewannee to the Company*.

In less than four years these effects showed themselves very plainly. The country exhibited unequivocal signs of impoverishment and decay. The trade to the other parts of India was reduced, and the revenues, with increased exertions, could not be kept up to their first standard. In truth, upon a comparison of the state of the country in the year 1757, after the battle of Plassey, and in 1769, when the power of the English, in one form or another, had predominated twelve years, the result is extremely against the revolution. The English are not directly chargeable with the misconduct of the Nabobs and their ministers to whom they entrusted authority, especially with the ruinous enormities of Cossim Ali; but in the transfer of the country to a set of European merchants, consequences were

A. D. 1769.

* Mr. Verelst, who was Governor of Bengal during this period, was certainly a man of fair intention and correct in his personal conduct. His successor, Mr. Carter, was also a very honest and amiable man.

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were involved unfavourable to its prosperity. The specie which those merchants and others had for a long series of years annually imported, ceased to flow in. The English Company bought their large investment, encreased to three times the amount at which it stood when bullion was brought to pay for it, with the revenue of the provinces; other companies made their purchases with money received from English individuals, who also derived it from the country; and this was to be the system thenceforward, at least for the greater part of the exports. Neither did the evil stop here. Both the Company and private persons exported large sums of specie collected there. The quantity thus extracted from the country, even within the period spoken of, was astonishing. A want of circulating medium began to be felt. These drains, added to the immense treasures which the extortion of Cossim Ali enabled him to carry off, exceedingly reduced the stock of the country, and the disorders which had arisen in the districts threatened to impair its annual produce. The first person who had the integrity and resolution to call the attention of government to the unhappy state of the country, was Mr. Becher, resident at the Durbar.

Certainly a great deal was due from us to the people in compensation of the evils which the establishment of our power had introduced among them; and in return for the vast advantages which we reaped from the change, it was but fit that what the country had suffered, or was subjected unavoidably to lose by being dependent upon us, should be repaid by all the benefits which good government, in consistency at least with that dependence, could bestow. And there was in the national genius of Britain, formed by superior lights and juster principles, and possessed of higher energies, what might still render that country happier than it had ever been before.

A. D. 1769. To discover and suppress the abuse of trust and power in the collection of the revenues, in the purchase of the investment, and in the conduct of the courts of justice*, were the objects of another institution, which forms the commencement of a third period of territorial management. English servants of the Company were sent as supervisors into the districts, and the coercive officers whom the ministers had employed, were withdrawn. The supervisors were furnished with a commission of investigation and active superintendence over the various departments of provincial administration, the state, the peace, and order of the country; but without the direct charge of any department. To many persons in Europe these progressive assumptions of power may have appeared as so many exorbitant encroachments; but whatever may have been thought at first even by judicious men, if we determined to retain the country and to govern it either to the benefit of the people, or to our own, they were necessary. From the first acquisition of a controlling power to the possession of the entire executive government of those provinces, it has been found that there was no point at which to rest. Experience evinced that in every intermediate stage, the interest of the country was neglected, and the abuses of power more felt than its protection. Our national standard of sentiments and morals, undoubtedly gives a comparative elevation to the character of those who are reared under it. The European servants of the Company therefore, who were also held by greater responsibilities, were worthy of more confidence than transient adventurers, ignorant and barbarous, from the upper Asia. This institution was the first step towards an English provincial administration, and the remote beginning of a new system, more open to the influences of the British genius and principles.

The supervisors rendered considerable service. Their presence in the districts imposed a restraint upon the native officers, and their inquiries and interferences, whilst they evinced the wretched state of the interior, checked many evils. But they had acted only a very short time when the country began to suffer from another calamity, which in the end overwhelmed it in misery, incomparably more dreadful than all it had before endured. This

A. D. 1769. 1770. was the famine that began in the year 1769, and continued through the greatest part of 1770; of which, as few circumstantial relations have been given, perhaps the following account may not be unacceptable.

The principal food of the great body of the people who inhabit our provinces, is rice. Of this, from the fertility of the soil, the joint effect of an ardent sun and of saturating periodical rains, they have annually two crops, besides a variety of other grain and pulse. The first crop of rice is gathered in about the end of August, the second (which is the greatest) early in December; and the other inferior articles from the month of February till the end of April; so that the ground brings forth almost all the year round. In general the produce is so abundant as to render Bengal the granary of India, and it is but at considerably distant intervals that a season fails. The natives indolent, improvident, fatalists, and exposed till of late to be taxed in proportion to the produce they raised, or even to have any apparent superfluity invaded, by their brethren in power, had never adopted the practice of keeping a stock of grain in case of dearth. When a season of drought therefore occurs, the sun, usually the great agent in fertility, parches the ground. Scarcity ensues; a scarcity aggravated by the eagerness which people then show to purchase rice, and by the artifices of the grain dealers, who are skilful in taking advantage of the public apprehension. If drought extended through two successive seasons, it would almost inevitably follow that the quantity of grain in the country would not be equal to the consumption of a people whose lives depend on the supply of this article; for extremity of want will not induce the Hindoos in general to resort to animal food, especially the flesh of the cow, because of the horror with which they regard an act that they are taught to believe would incur the dreadful punishment

* Private European traders and the Native agents of Europeans, who had in the beginning of the Company's power been guilty of such disorders in the districts, were by this time brought under considerable restraint.

ment of loss of caste in this life, and torments or degrading transmigrations in the next. The periodical rains begin early in June, and continue with intermissions till late in October, commonly falling more plentifully in the last two months.

The crops of December 1768 and August 1769, were both scanty; and throughout the month of October 1769, the usual period of heavy rains, which are absolutely necessary for the latter crop of rice, hardly a drop fell. The almost total failure of a third crop, after the deficiency of the two preceding ones, filled all men with consternation and dismay. Some hope was still placed in the crops of inferior grain, usually reaped between February and April, which every endeavour was exerted to increase; but the refreshing showers that annually fall in what are called the dry months, between January and May, also failed, and in the fatal year 1770 there was scarcely any rain till late in May. The heat was insufferable, and every kind of grain or pulse then growing was in a great degree dried upon the ground. Nothing appeared but universal despondence and unavoidable destruction; for the same calamity extended to the Upper India, and there was no neighbouring country that had been used to furnish Bengal with rice by sea, or that could afford an adequate supply.

The Company's administration and the native ministers early took the alarm, and entered upon such precautionary measures as were within their power. In September 1769 the English and all their dependents were absolutely prohibited from trading in rice; not because they or any other set of people were at all suspected of having been monopolizing that article, but lest on the temptation of very high prices, European influence should in any form operate to collect such undue quantities as might aggravate the scarcity. General and strict injunctions were also published against hoarding grain, buying or selling it clandestinely, or carrying on any dealings in it but at the public markets; and a stock of rice, amounting to 60,000 maunds, was laid in for the use of the army, a measure to which the preservation of our military power and indeed of the country may be ascribed; for it is not to be doubted that want would have made the soldiery throw off all command, and seek subsistence with their arms in their hands, which must have have produced total anarchy. The prime mover in all these measures also was Mr. Becher*, resident at the Durbar.

The famine was felt in all the northern districts of Bengal as early as the month of November 1769, and before the end of April following, had spread desolation through the three provinces. Rice rose gradually to four, and at length to ten, times its usual price, but even at that rate was not to be had. Lingering multitudes were seen seeking subsistence from the leaves and bark of trees. In the country the highways and fields were strewed, in towns the streets and passages choaked, with the dying and the dead. Multitudes flocked to Moorshedabad, the capital. It became more necessary to draw supplies to that city, and no endeavour was spared to bring all the grain in the country to market. Subscriptions were set on foot. The Company, the Nabob, the Ministers, European and native individuals, contributed for feeding the poor. In Moorshedabad alone 7,000 were daily fed for several months, and the same practice was followed in other places; but the good effects were hardly discernible amidst the general devastation. In and about the capital, the mortality increased so fast, that it became necessary to keep a set of persons constantly employed in removing the dead from the streets and roads, and these unfortunate victims were placed in hundreds on rafts and floated down the river. At length the persons employed in this sad office died also, probably from the noxious effluvia they imbibed; and for a time, dogs, jackalls and vultures were the only scavengers. It was impossible to stir abroad without breathing an offensive air, without hearing frantic cries, and seeing numbers of different ages and sexes in every stage of suffering and death. The calamity was not less in other quarters; in many places whole families, in others, the people of entire villages, had expired. Even in that country there were persons who fed on forbidden and abhorred animals, nay, the child on its dead parent, the mother on her child. At length a gloomy calm succeeded. Death had ended the miseries of a great portion of the people, and when a new crop came forward in August, it had in some parts no owners. The number which fell in this period of horror has been variously estimated, and may perhaps be moderately taken at three millions.

It must be very evident from a simple review of this desolating event, that it was the visitation of Heaven, not the work of man. Those Eastern countries have unhappily been too well acquainted with this species of calamity in all ages. Upon turning to the last century only, the records of the Company mention a destructive famine in Surat and the neighbouring countries about the year 1630. Dow gives an account of a prodigious one almost general in the Mogul empire, anno 1661. Instances might easily be multiplied by a more particular research; in our time, we have seen several on the Coast of Coromandel, the last of which a few years ago destroyed multitudes. Since the awful æra of 1770, there have been

* A man noted for his honesty and humanity; whose anxiety and exertions for alleviating the miseries of that whole period ended in an illness that almost cost him his life. Yet on his return to England he found himself traduced as the author of the famine. This calumny is said to have had its rise at the French settlement of Chandernagore, in the vicinity of which an agent of his had in the year 1769, before things came to extremity, some articles of the *provisions of the former year* selling off, and among them a parcel of rice, in value about 20,000 rupees. Perhaps the purchase of a stock of rice for the Company's troops may also have contributed to suggest the idea of a monopoly. It is from a MS. account, of which the materials were furnished by him when the event was recent, that this relation (of the facts stated in which the writer hereof was also an eye-witness) is chiefly taken.

Another gentlemen, still living, was also accused of being the author of the famine, though he was in England when it commenced.

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been two seasons of great scarcity in Bengal, the years 1783 and 1788. The dearth in those years was only partial, but the common people were driven to great distress, and some perished Lord Cornwallis seeing how much the country was exposed to calamities of this sort, instituted public granaries in Bengal, in which a stock of grain should always be preserved against emergencies. Indeed, if we could suppose that any man or set of men, especially European servants of the Company, who had easy means of acquiring wealth, could have been so iron-hearted as to form the design of enriching themselves by withholding sustenance from their fellow-creatures; if we could suppose they could have borne the sight, even for the first week or day, of the miseries under which a whole people were sinking; if we could suppose further that after denying every thing human for the sake of gain, they could so far forego their own object as, instead of accepting a four-fold, nay ten-fold price, to allow those who would purchase, to die in immense multitudes for want; if we could entertain all these extravagant suppositions, and the equally extravagant one of a general monopoly of the produce of a great country, still a little cool reflection upon the means of accomplishing a scheme so flagitious, would show that the execution of it would be absolutely impracticable.

It is perfectly established that the dearth was general over the three provinces, and in all ruinously severe. A monopoly, therefore, if that had been the cause, must have been general also. It is easy to conceive how one quarter could be deprived of its produce to supply another, but when in all quarters there was a like destitution, if we suppose this to have proceeded from monopoly, we must also suppose not a simple operation of emptying one district to fill another, still less to surcharge any other, because that would be to go from a better market to a worse one, but a local monopoly in every township, *keeping up*, not *sending away*, the grain found within its circle. Let us now enquire into the lowest quantity of grain that can be supposed to have been hoarded. In the course of twelve months, three millions of people are estimated to have died; that is, nearly one-third of the whole population; but as a third of the usual allowance of food might have preserved life, we should hence be led to conclude that the grain retailed in that year was two-thirds at least below the quantity usually vended. As, further, the failure would fall chiefly on those who in times of common plenty earned only a subsistence, and these may be computed at eight in ten of the community, the deficiency in the supply of the markets that year may well be rated at two-thirds of the usual consumption of eight millions of people, that is somewhat more than one-half of the whole quantity brought to market in ordinary times: and if this was occasioned by monopoly, so much must have been kept up. But let us assume, what would be the most plausible theory, that a real scarcity, to a certain extent, was rendered severely fatal by the supervention of monopoly; of what magnitude must we conceive the monopoly to be, in order to become thus operative? Here we must go on an ample supposition; for if monopolists had thought of contenting themselves with collecting, for instance, only a month's demand at a time, their main purpose would have been defeated, because in the mean while the rest would have found a distribution in the usual way. They must therefore have bought up largely at or before the reaping of a crop, and bought up more than they withheld, because part of their purchases we must suppose would be resold. If then we admit a real scarcity which would have occasioned a mortality of a million of people, (which prejudice has never granted,) and ascribe the mortality of the other two millions who perished, to monopoly, concluding, as we are obliged, that this monopoly consisted only of two great operations, that is, on the December crop of 1768, and the August crop of 1769, then the quantity of grain hoarded up will turn out to have been one-third of the market supply of ordinary years: and assigning in such years to ten millions of persons, the young and the adult taken together, half a seer (or a pound) of rice per diem, which is a moderate allowance, that third will amount to six hundred and four millions of seers, or fifteen millions of maunds; which at a rupee each, a probable purchase-price in a time of real scarcity which we here suppose, will amount to fifteen millions or a crore and a half of rupees, one half perhaps of the whole circulating medium of the provinces at that time, and such a capital in the hands of those suspected of being concerned, as no extravagance of credulity can hold to be supposable.

But we have not yet seen all the difficulties. The three provinces contain 150,000 square miles, and if we reckon fifteen square miles for the sphere of one monopoly agent, (which surely, after allowing for water, is an average full as much as he could compass,) and reckon further two assistants only to each agent, we shall have thus ten thousand monopoly stations, and thirty thousand persons employed at them. Such a set of operations, or the hundredth part of them, and operations continued through a whole year, would have furnished uncontroulable evidence to all men. The natives are indeed patient in suffering, when they think suffering inevitable; they suffered in that calamity with wonderful passiveness; but if they had traced their miseries to any source like this, the country would have soon rung with their complaints. They are known to be clamorous even on trivial occasions where any redress is possible. They have been known in a time of scarcity, merely apprehended or artificial, to have carried urgent representations against the grain dealers; they did so at the period spoken of, as long as they thought that those dealers secreted any grain, which according to their usual practice they may have done, thereby unnecessarily adding to the evil. But very probably, if the people had seen that the calamities of that period proceeded from human hands, they would not have borne them; they would have helped themselves to grain; perhaps have risen upon their European masters. No, they well knew and acknowledged whence their distresses came; they foresaw them in the drought of successive seasons, a drought not confined to their provinces; and felt in them the dispensation of a superior Power. This was one of those severe inflictions of the Almighty, by which offending creatures,

tures, who forget their Maker, are reminded of his being, and of his government of the universe. Those poor people sought by superstitious observances to propitiate their deities, but they were "*Gods that could not save,*" and their votaries remained without any moral change.

The members of administration appointed from England by Parliament in 1773, a few years after the famine, with a special view to the discovery of abuses, men zealous in the execution of their trust, and free in expressing the most unfavourable opinions, never intimated the suspicion of monopoly, but always spoke of the famine as a natural evil of most destructive consequences, still visible in the country. Lord Cornwallis, if he had not judged in the same way, would not have contented himself with proposing only the simple preventive of an establishment for storing part of the surplus produce of plentiful years. Yet wonderful to consider, without any proof, without investigation, without one well authenticated adequate fact, the belief of a monopoly by some servants of the India Company has been, and perhaps may still be, very general in the western world. The French of Chandernagore, like the rest of that nation, too ready to blacken the British conduct in India, are accused, and with apparent reason, of being the authors of this tale. From Chandernagore it first passed to Calcutta, and from these places it was then transmitted to Paris, to London, and to all Europe. It has been registered as truth in the page of history, has been the public subject of religious lamentation, has been embalmed in verse, and still remains such a foul stain upon the British character, as the annals of any people can hardly parallel. Such is the power of credulity. In this case it not only "gave to airy nothing a local habitation and a name," but it ascribed to a phantom, effects, which had that phantom been a reality, it was incapable of producing. Nothing short of an absolute want of a sufficient stock of food in the country, could have occasioned so dreadful a devastation of the human race. The whole idea of a monopoly of any kind or degree, (unless such a natural aggravation of real scarcity as the eagerness of the people to lay in some store, and the retention of native grain dealers may have created,) the present writer, himself an eye-witness of that dire calamity, and with particular means of information, most assuredly believes to be without foundation, and to have originated in calumny or in error. This testimony, due to truth and to the British character, he is able deliberately and conscientiously to deliver; and though his main design may not have called for so full an exposition of a collateral subject, yet since the current of time swiftly removes the opportunities of giving and receiving information, he hopes he shall be pardoned in availing himself of the present occasion, to perform what he thinks an act of justice and of duty.

The subject of territorial administration shall now be continued. In 1772 the principle of sending English supervisors into the districts, considered here as introducing a third period, was enlarged by a very important measure which completed the change begun in the adoption of that principle. The Company stood forth as *Dewan:* hitherto the office continued to be executed by native ministers who resided at Moorshedabad, the old seat of government and of the public Exchequer. These ministers, with the officers whom they employed in the districts, were now laid aside, and the Company by the agency of their own servants, took upon themselves the entire care and collection of the revenues. The Governor and Council with their former controlling power, joined that of cognizance and executive management, which had been till then vested in those ministers. They removed the ostensible seat of Government and of the Exchequer to Calcutta, the principal English settlement; they divided the three provinces into collectorships, and stationed an European servant of the Company in each of those divisions as collector. *A. D.* 1772.

This change threw also the judicial administration of the country in civil affairs, into the hands of the English. Under the government which the Mahomedans had for many centuries maintained in Bengal, they established also their own system of laws, and it was the standard of decision in all cases civil and criminal, exclusive of those between Hindoos, which were determined by the code of that people. The Nazim, or ruler, in person executed the office of supreme criminal judge. By deputy he also administered in the principal civil court appointed for the cognizance of all matters of property, excepting claims of land and inheritance, which fell within a third department called the *Dewannee Adawlet*, or Court of the Dewan, to whom, as the Emperor's officer for the collection of the revenues, all causes relating to the details of that extensive province, and particularly to property in land, were referred. From the time of the Company's accession to the office of Dewan, the authority of the Dewannee Court naturally enough encreased, till at length it became in effect the sole tribunal for civil suits. In this state, as appertaining to the department of the revenues, it fell into the charge of the Company's servants when they assumed the executive management of that branch; and they immediately proceeded to make various regulations and improvements in the administration of civil justice. They appointed a Provincial Dewannee Court in every collectorship, over which the English collector was to preside; they even modified, in some respects, the administration of criminal justice, which was peculiarly the province of the Nabob; appointing inferior criminal courts in the districts, and subjecting them, as well as the principal criminal court, to English superintendence. Thus every interposing medium between the English and their Indian subjects was removed; they came then to transact immediately with each other. The direct authority of the English pervaded the interior of the provinces, and the *Native* or *Country Government*, saving only the prerogative of the Nabob as chief criminal magistrate, was in form and in fact done away.

Many obstacles to good government were dissipated by this change. The English administration entered upon their new functions with a tone of intelligence and vigour. Besides introducing more method and order into the conduct of the public business, they set themselves to correct some of the most prominent of those abuses by which the country

had been so long oppressed. In collecting the revenue, for instance, from the ryots or husbandmen, there was no fixed standard. Agreements did indeed pass between the landholders and their tenants at the beginning of the year (for their leases extended only to one year), but as before hinted, those agreements were commonly broken by the stronger party upon a thousand pretences, of which the superior made himself the judge, and this practice opened a door of exaction to every subordinate officer of the revenue. Hence the people never knowing what portion of the produce of their labour would be left to them, were not only impoverished but discouraged from exertion.

Exactions still more scandalous were practised in the judicial courts. The *Phousdary*, or criminal court, raised a revenue by the imposition of fines upon crimes and misdemeanors tried before it, having thus a direct interest in the multiplication of accusations, and in finding the accused guilty. The government of 1772 styles its exactions, "detestable and unauthorized, but yet imitated by every farmer and aumil in the province."

The *Dewannee*, or civil court, in like manner, wherever it could, had recourse to heavy arbitrary fines. Things however *sanctioned by the native government* even down to the period now spoken of, may give a more striking idea of the state of the country. In law concerns, the civil courts were allowed to take a commission, sometimes amounting to one-fourth, upon the sums recovered on their awards; in the revenue, the inhabitants of a town or district, however reduced in number, were obliged to make up the assessment at which that division had been rated by government, that is, to pay the rents of those who were dead or fled, as well as their own. This principle, which must surprise persons unacquainted with that country, was acted upon even after the famine; and the greatest wonder is, how the people could subsist under such accumulated barbarous impositions.

The English government of 1772 appears to have set out in the sincere desire of alleviating the sufferings of that people. But the first great financial measure which they adopted produced most unhappy effects. In opposition to the annual leases, which were certainly very exceptionable, the idea of farming the lands for long terms of years had been frequently suggested, and came at length to be regarded as a remedy for many existing evils. Sufficient attention however was not paid to the wide distinction which exists between the landholder having an interest in the soil, and the revenue farmer, whose principal object it must ever be not to consider the permanent welfare of a district or an estate, but the best return he can draw from it within the term of his engagement. The desire of keeping up the collections as near as possible to their former standard, still haunted the councils of the Directors at home and of the servants abroad. Under the idea that there were hidden resources in the country, (which might be so far justified, that early subductions and alienations had been made from the Exchequer lands, but the resumption of them was become extremely difficult, whilst the general circumstances of the country had decayed,) and in the view of uniting increase of revenue with ease to the people, it was determined to lease the lands of Bengal on farm for five years, and that their utmost value might be ascertained, these farms were put up to public auction. Calcutta banians, money dealers, and adventurers, were among the highest bidders. The country was hence given into their hands, under a positive condition indeed for the equitable treatment of the occupants of the soil, but the ancient usage of collecting the instalment of the month, within the month, was still followed by the farmers; and if there was any interference with even the most violent exercise of their authority, they had to plead the impossibility of realizing the revenue and making good their engagements. The English collectors, afraid perhaps of having a failure in the revenue ascribed to them, were seldom willing to interpose except in flagrant cases; and the poor people preferring often the first loss to subsequent litigations, or wearied out by the protractions of the other party, had little redress. At the end of five years, an immense balance of the stipulated revenue was due by the farmers, and the country having been in effect delivered again into the hands of natives, still continued to suffer.

It has been said in favour of the English government, that under it, and even within the period of which we now treat, Bengal has enjoyed a tranquillity from hostile assaults and commotions, rarely experienced under its former masters. But though little disposed to panegyrize Mahomedan governments, we must observe, that this comparison can hardly be meant to extend to the times anterior to the dismemberment of the Mogul Empire. The usurpation of Aliverdi Khan, who waded to power through perfidy and blood*, provoked the court of Delhi to encourage an invasion of the country by the Mahrattas, and for several years they harassed the districts west of the Ganges, the far larger divisions on the eastern side of that river remaining all the time perfectly safe. But from the establishment of Aurungzebe on the imperial throne, until the invasion of Nadir Shaw, a period of eighty years, Bengal enjoyed profound peace without, and experienced only few, and these transient, disturbances within.

If, however, a comparison of this kind is to be instituted, it must be carried much further. Under the government of the last two regular viceroys, Jaffier Khan and Shujah Khan, who ruled in succession near forty years†, the state of the country was eminently flourishing, and is yet a subject of celebrity. Jaffier Khan indeed appears to have been culpably as well

* *A. D.* 1741.

† Sujah Khan died in 1739, and was succeeded by his son, Sirferaz Khan, who was deposed and slain by Aliverdi Khan in 1741. Aliverdi Khan possessed the government fifteen years, and was succeeded in 1756 by his grandson, Surajah Dowlah, who was deprived of the musnud and his life in consequence of the battle of Plassey, anno 1757; so that from the death of Shujah Khan to the ascendency of the English power, was only eighteen years.

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well as unnecessarily severe in inflicting personal punishments upon the zemindars, and this part of his conduct has brought reproach upon his memory; but he strenuously protected the common people, and most ably administered the affairs of the soubah. His successor is represented to have been a man singularly beneficent and humane. Under both, the taxes were little felt, and in the time of the latter, though the annual tribute remitted to Delhi was usually a crore of rupees, local collectors were seldom requisite, the zemindars paying their rents immediately into the royal treasury. Even after the usurpation of Aliverdi Khan, that class of persons was so opulent, as at one time to give him a donation of a crore of rupees, and at another time fifty lacs, towards defraying his extraordinary expences in repelling the Mahrattas. The general power and authority of the empire were a protection to this dependency of it; its military force, especially during the long administration of Jaffier Khan, was inconsiderable, its civil administration simple and economical, and it had no separate political relations to maintain with neighbouring or foreign countries. Easy, in short, in its finances, moderate in its expenditure, and free from the state, the charges, and cares of independent dominion, its inhabitants enjoyed, in the occupations of agriculture and commerce, public peace and abundance. Under the violent assumption of Aliverdi Khan, its connections of a political nature were still very limited, for it had nothing to fear from its neighbours, except on the western side, and he seems never to have cast an ambitious view beyond the provinces which he wrested from the family of his ancient master. But Bengal, as held by us, possesses the rank of a sovereign state; it is the head member of an empire whose parts are remotely separate from each other, and intermix with the territories of several powerful princes; it contributes to the support and defence of the other divisions of British Asia; and supposing its system of foreign policy to be entirely pacific, it is liable to be affected at so many points, that the government of it requires far greater resources than were necessary when it was merely a dependent province. The tribute then which it pays to us, being at least equal to what the Mogul Emperors derived from it, and neither its population nor produce, as we have already found reason to conclude, greater than in their time, it will follow that the inhabitants must now be more highly assessed than they were under their former rulers, not excepting even the usurpers. And if this state should pursue plans of offensive policy towards its neighbours, it might multiply beyond calculation its exigencies and dangers, and thus aggravate still more the disparity between its actual and preceding situation. It is indeed possible, as has been already observed, to render the country happier under our government than it ever was before; but after it had experienced so many convulsions, we need hardly look even for an equality, in the earlier unsettled stages of our management.

The time of which we now speak may be called a period of experiment. It is evident that with respect to the revenues, on the due regulation of which the case of the people so much depended, the great desideratum was to fix a just standard for their amount, and to provide for the certain unoppressive realization of that amount. This was soon perceived; but there were various opinions concerning the best mode of attaining that, in the propriety of which all agreed, and whilst discussions were continued, current exigencies frequently decided. It can be no presumption to assert, that our first and main duty then was to establish a just and comprehensive system of domestic policy, to cherish our subjects, promote internal improvement, and according to the maxim recommended, and thence dignified, by Lord Clive, "to cultivate our garden."

The remote distance of the supreme directive seat of our authority was an obstacle to the settlement of wise plans of internal government. Persons at home could seldom act but upon transmitted information. Distrust produced hesitation. The constitution of the Company left the executive body without sufficient control, and divisions weakened its energy. Official changes, both here and abroad, interrupted the progress of measures, and though the objects which ought to be pursued were understood, there was still uncertainty as to the sacrifices which might be hazarded in new attempts.

Such considerations as these may, probably, among others, have produced the legislative interference of 1773, by which a new constitution was given to the government of Bengal, and a majority of the members which were to compose it sent from England, the rest being selected from the former administration. *A. D.* 1773.

Whatever may be the views which the conviction of the writer has led him to entertain of the affairs of this period, he will surely be pardoned in wishing to avoid, as far as can possibly consist with any fairness to his subject, the introduction of controversial topics, always unpleasant, upon an occasion like the present. Where he is led to notice events which come within that description, his aim will be to consider them, not with relation to the motives which may have produced them, or their intrinsic character, but to their influence upon the condition of the people of our Eastern dominions, and as articles of a national account, between those possessions and this country. Instead, then, of entering into the merits of the contests which soon arose in the new government of Bengal, we may be allowed to remark, that however well intended the institution of that government might be, it was at first unhappily compounded. Only upon the supposition of a coincidence of opinions respecting past as well as present measures, which from the circumstances of that institution seems not to have been expected, could dissensions have been thought avoidable; and if they should arise, as may more particularly have been apprehended, concerning former acts, a disapprobation of which must implicate the credit both of the preceding administration and of those connected with it, a divided government and state were naturally to be looked for. That these consequences, proceeding from criminatory retrospections, and the utmost discordance of opinion upon various important questions, did soon follow, is well known. And they produced unhappy effects upon the administration of affairs upon the

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European service of the Company, and upon the people. The relief of the country was still suspended; and the failure of the first great measure adopted at home for this end, may have prevented a progress to others of executive and official regulation, probably at that time seen to be requisite, and subsequently included in the parliamentary provisions of 1784. Into the subjects of these we forbear to enter, although after all the candour and discrimination which would be solicitously exercised in treating of them, doubtless they would be found to discover a distinct source of pressure upon the country.

Hitherto, from the period of the revolution in 1757, we have not seen the English, on the side of Bengal, engaging in any offensive alliances or wars with the neighbouring country powers. The system recommended by Lord Clive and inculcated by the Company, was, to avoid schemes of conquest and political intrigues with the native princes, improving our domestic state, and making ourselves respected for our moderation and good faith. Upon these principles, his Lordship and his Select Committee* had the magnanimity to restore to Shujah Dowlah the dominion of Oude, after victory had chastised an unprovoked aggression of that prince, and made us the arbiters of his fate†. A deviation from this system began in 1774, having professedly for one object the pecuniary advantage of the Company; and a much wider departure from it was made in 1778, by carrying offensive war, with a view to the acquisition of territory, into the west of India. The long duration, the external effects, and the issue of this war, are sufficiently known. At home it plunged the government into a sea of military and political cares, that left little time or opportunity for the study and application of those protecting, cherishing measures, which the state of the country required; it incurred an enormous expense, a heavy load of debt; and, when the public resources were greatly exhausted, to all these evils succeeded the attacks of Hyder Ali in the Carnatic, and a defensive war against him and the French, the support of which chiefly fell upon Bengal.

A. D. 1774.

A. D. 1778.

Such were the necessities to which our affairs were then reduced, that although we had before acquired a very forbidding experience of the farming system, a temporary recourse was again had to it in several districts, some of which were swept by the renters with a rigor that became afterwards a subject of public inquisition. Thus, notwithstanding the useful regulations begun in 1772, through errors or defects in carrying the designs then adopted into execution, through the effects of intestine divisions, fluctuating counsels, foreign wars, and real or conceived exigencies of government, added to its common cares, a series of twelve years passed without the application of any effectual relief to the state of the country, without acting steadily and systematically upon the acknowledged necessity of fixing on just principles the extent of our demand upon the territorial possessions, and giving the people, once for all, rest and exemption from every species of arbitrary taxation.

A. D. 1784.

About this time the legislature again interposed. The parliamentary regulations of 1784 went upon principles well adapted to the correction of the evils which prevailed in our Indian governments and possessions, and to the invigoration of the authority of the home administration over them. If they established a new power in giving the state a control respecting the affairs of India, they established new responsibility. But after all, it is to be acknowledged, that whatever laws may be enacted for the government of those distant dependencies, inhabited by a people so dissimilar to the European nations, the efficacy of those laws must ever essentially depend on the character of the persons to whom the execution of them is entrusted‡.

Commencing in 1786.

The fourth and last period of which it was intended to speak was now approaching, and brought with it a great and happy change for the natives of Bengal. Under the auspices of the parliamentary system just alluded to, administered at home with enlarged and upright views, and seconded abroad by the excellent conduct of Lord Cornwallis, the objects till then ineffectually proposed, have been fully attained. A new constitution has been established for the land tenures of Bengal, whereby hereditary property in them is secured, the tax payable by the proprietors to government is equitably and unalterably settled, industry and improvement are hence encouraged, and provision is made for the extension of the same encouragement, the same enjoyment of rights, to every inferior occupant of the soil. This is in effect the foundation of a constitution for the country, because the government is bound by it as well as the subject. Very essential reforms have also been made by his Lordship in the administration of justice. The office of supreme criminal judge remained still vested in the Nabob, represented by some Mussulman delegate, by whom the inferior courts were filled with mean retainers of his own, who paid for their places. Nothing can be conceived more defective, oppressive, and scandalous, than the administration of these persons.

The

* Consisting of Messrs. Sumner, Carnac, Verelst, and Sykes.

† In 1764. A time may perhaps come when it will seem less extravagant than it might now be thought, to insinuate, that it had possibly been well for us, notwithstanding the private wealth and even public subsidies derived from our connection with Oude, if we had to the present day adhered to the general spirit of Lord Clive's policy. The late war with Tippoo was a forced departure from the pacific system, and the ambition and perfidy of Indian powers may possibly expose us to new necessities of the same kind, until they are taught a better conduct, by our continued superiority and moderation. But this probable necessity of extending our conquests is one of the disadvantages attaching to our dominion in Hindostan, for the wider it spreads the more vulnerable we become. It was the unwieldiness of the Mogul Empire that accelerated its fall; the loss of distant provinces being the rise of new enemies, and loss of reputation also.

‡ If the sole object of this review were not to treat of measures immediately affecting the natives, an economical retrenchment made at this time in the different departments of the Bengal government, under Sir John Macpherson, would deserve to be introduced here with applause.

The country groaned under it, the government was reproached by it, yet reluctant to touch the remaining prerogative of the Nabob, it endured this evil long; but seeing no other measures of reform could prosper whilst such a source of flagrant abuse was tolerated, the good of the people at length absolutely demanded an interference, and the Nabob appointed the Company his delegates in the office of supreme criminal judge. The Governor General and Members of Council then took upon themselves the execution of this office. The chief criminal court was removed to Calcutta, the collectors in the districts were invested with the powers of magistracy, for the apprehension and confinement of delinquents. Courts of circuit for the trial of criminals were established in the principal divisions of the country, and filled with English judges selected from the most experienced of the servants of the Company. In a word, this great department, which was before made up of the vilest perversions of legal power, was composed anew, and filled with men of principle and ability, placed under the strongest responsibilities, and acting upon a system which was to carry the inspection and the dispensation of the laws regularly into every section of the country. Even Europeans in the districts were subjected to the authority of the provincial laws, and in civil affairs the Dewannee Court properly so called, that is, the court of the collector for the trial of revenue causes, was abolished: that officer was no longer allowed to judge where he was a party; but all revenue cases, as well as other civil suits, were to be referred to the civil judge of the district, who was to have no concern with the collections, but to be employed solely in the administration of justice; whereby delay in decisions, the consequence of divided attention, and a grievance almost equal to a denial of justice, would be prevented. To his court also the commercial agents of the Company, who had been, in consideration of the nature of their business, exempted in some degree from the ordinary routine of court processes, were henceforth regularly to refer all matters of litigation occurring within their departments. The law, in a word, is now made the arbiter in all matters of property, even between the government and its subjects *. With regard to the rules by which justice was to be administered, the Hindoo and Mahomedan codes were in general to be the standard for the respective subjects of them, but tempered, in some instances where they are barbarous and cruel, by the mildness of British sentiments, and improved in others which have relation to objects of political economy. "These codes," says Lord Cornwallis in his minute introductory of this great reform, "are still in force, as far as regards religious tenets, marriage, caste, inheritance, and some other points."

Thus by the measures of his Lordship's administration, important rights of property, never before enjoyed, and a meliorated legal constitution, really adequate to the protection of those rights, have been conferred upon our Asiatic subjects in Bengal.

Nor are these the only grand events by which the government of Lord Cornwallis has been marked as a providential blessing, and has become an epoch to that country. He has given a new tone, a new principle of purity and vigour to the British administration there; order and economy, integrity and zeal, pervade all its departments; for, exhibiting in his own conduct an example of equity on the part of government, he has been solicitous that all inferior authorities should follow it; and nowhere, it may be safely affirmed, throughout his Majesty's dominions, has public business been transacted, so far as the civil servants of the Company are concerned, with more public principle than in Bengal, under the influence of the spirit and the conduct of that illustrious nobleman. Distinguished among many other valuable qualities by good sense and magnanimity, which enable him with ease to meet the most trying exigencies, yet capable of descending to the smallest concerns; acquainted himself with all affairs and with the officers employed in them; by his intelligence and the uprightness of his own character he has overawed corruption, and by kind, conciliating manners, flowing from a generous and modest mind, has produced, in the midst of a system of reform, attachment both to himself and to that system.

It would be easy and gratifying, if it came within the scope of this essay, to dilate upon other parts of his Lordship's character, his justice and good faith towards the Indian powers, his atchievements in war, and his moderation in victory: but it may suffice to say, that whether we look to his internal administration or to his foreign policy, to his talents for civil

* It is to be remembered, that nothing said here or elsewhere in this treatise respecting the administration of justice, has relation to the *Supreme Court of Judicature*, established by his Majesty at Fort William. That tribunal seems to have been instituted with two views; the first, to answer more effectually the purposes for which the municipal court, called the *Mayor's Court*, had been established at Calcutta in the merely commercial times of the Company, namely, to administer justice to British subjects, and to all persons living under the British flag; the second, to answer another purpose, which the acquisition of territory was thought to have rendered necessary, the affording of an asylum to the natives of the acquired provinces who might be aggrieved by the English. The jurisdiction of the Supreme Court, therefore, now extends over all British-born subjects residing within the provinces, for all acts done by them against each other or against natives; it extends over some of the immediate native dependents of the English, and over such other natives as may by voluntary agreement in any case submit themselves to it; and it extends also over all persons, of whatever nation, living within the limits of the English flag, as they were defined prior to our acquisition of territorial possessions. But the Judicial Courts, which the Mogul Emperors had established in those possessions, were continued after the transfer to the Company, and the regulation and controul of those Courts are now vested in the British government of Bengal, independent of the Supreme Court of Judicature; over them that Court has no power; to them only the natives of the provinces, not in the service of the English, that is to say, the great body of the people, are amenable, and it is of them only, and of the reforms made in them, that we all along here treat.

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civil government or for military affairs, to his conduct towards the Natives or Europeans, towards enemies or friends, we must rejoice that such an example of character, and of British character, has been displayed to the inhabitants of the East. Let it not then be imagined that any remarks which are made in the following pages are intended to derogate, or can justly be conceived to derogate, from the merit of his administration. Even had there been any grounds which could give colour to such an attempt, one who can neither speak of his government nor of himself without sentiments of respect and attachment, would have been among the last to engage in it.

It will now be fit to advert to the other Indian possessions held by the Company in full property; and after what has been said, a very brief notice of their state will be sufficient. Benares, which is completely incorporated with our dominions on the Ganges, has received the full benefits of the improvements made in Bengal. The Northern Circars have continued, until very lately, in a situation similar to that of Bengal under the second period of our management, and have suffered extremely from the mal-administration of the natives. The Bengal system, as nearly as it can be adapted to them, is, we understand, intended to be established in them and in the Company's jaghire lands, which have been more under European inspection. The same system, we may presume, will also, as speedily as possible, be extended to our newly acquired lands in the Carnatic and on the Malabar Coast.

If after this review, in which it will not be asserted that any excess of colouring has been employed, we proceed to form an estimate of the general effect of our early conquests, upon the state of the countries and the happiness of the subjects acquired by them, however we may be inclined to avoid censuring individuals, we can hardly fail, on the whole, to admit some humiliating conclusions. The history of our rule in Bengal is in great part a history of our own errors, or of the abuses public and private of power derived from us; and the brightest portion of our administration there, is that which has been employed in applying remedies to the political diseases which either have arisen, or become more inveterate, in the country, in our time. Our accession to the government of it has been productive of prodigious changes; and if we take the result of them for thirty years together, from the elevation of Mhir Jaffier, we shall be compelled to allow, that at the end of that long period, the country and the people were not in so good a condition as that in which we found them. Doubtless the ravages of the famine greatly reduced the cultivation for a time, as well as the number of inhabitants, which will account for a decrease of the national revenue, but not for decay in the circumstances of surviving individuals, either of the poorer sort or middle classes; because the natural effect of great depopulation was rather to enhance the value of labour and lessen the cost of subsistence, as also to leave the field of traffic in fewer hands.

Persons who remember the state of the country in the beginning of 1769 and in 1787, (the thirtieth year of the revolution,) think that it exhibited more appearance of opulence at the former period than at the latter; and it is clearly acknowledged in the Bengal records, not only that the country declined considerably in the twelve years anterior to 1769, but that various causes of its decline continued to operate after the calamity of the famine, though perhaps with less activity *. It will likewise be granted, that the wars in which we were engaged subsequent to that event, were unfavourable to internal prosperity, and whatever may be urged in vindication of our governments, as to the grounds on which they were undertaken, yet with respect to wars of offence, not even a remote necessity or interest of the people of Bengal can be pleaded for making that people parties in them.

But exclusive of all local mismanagement, the nature of that subjection in which Bengal is placed to this country, will alone account for a wonderful change in its internal state. All the offices of trust, civil and military, and the first lines of commerce, are in the hands of foreigners, who after a temporary residence remove with their acquisitions in constant succession. The government is foreign. Of *native* rulers, even the *rapacious* exactions went again into circulation, and the tribute formerly paid to Delhi, passing chiefly by the medium of private commerce, when a general communication throughout the empire gave Bengal great advantages, was little felt. But the tribute paid to us extracts every year a large portion of the produce of that country without the least return. It may not perhaps be too much to say, that in the thirty years following the acquisition of the Bengal provinces, this nation, by public and private channels, derived from them alone, exclusive of its other Eastern dependencies and of the profits of goods remitted, fifty millions sterling.

These observations, and the review which precedes them, are intended forcibly to impress upon the mind the sense of those peculiar obligations under which we lie to the people of our Asiatic territories, on account of the benefits we draw from them, the disadvantages they have suffered, and must still in certain ways suffer from their connection with us, and the relation in which they stand to us as our subjects. True, we have corrected abuses in the internal government of these possessions, we have encouraged our Hindoo subjects, we have at length given to them the secure enjoyment of property, both inherited and acquired. All these events were most desirable and important, and to accomplish them was a work singularly arduous. But does nothing further remain to be done? In decreeing that our subjects shall be delivered from oppression and injustice, in setting an equitable limit to our own demands, and in establishing rights of property never well ascertained nor respected before, have

* See the letters of Governor Verelst and Mr. Beecher, in 1769, in the Appendix to Verelst's View of Bengal; in Mr. Francis's Original Minutes, page 100; and Bolt's Considerations, Vol. III. page 199. See also Lord Cornwallis's Letter to the Court of Directors of August 2d, 1789.

have we done all that the circumstances of the Hindoos require, all that is incumbent upon us as rulers? That by many this inquiry has not been seriously made, nor our obligations deeply considered, may be ascribed to several causes. There is a description of persons to whom the whole subject of India is confused and obscure. They know not what to believe or conclude; and a few there have have been, who with very good meaning have thought of eluding all difficulties by giving back our territories to the natives, not reflecting that we should thus abandon them to new distractions, to adventurers of less pretensions than ourselves, and most probably to a rival European power. No, we cannot now renounce them without guilt, though we may also contract great guilt in the government of them.

It was long before our acquisitions in India, even those provinces which we professedly held in perpetuity, came to be regarded here as permanently our own. A secret idea of their insecurity prevailed, and our conduct towards them was perhaps influenced by this apprehension. We were eager to acquire, but slow to cherish. A better acquaintance with their natural and political advantages, and the experience of thirty years passed under trying vicissitudes, have now established an opinion, not only of the practicability of maintaining them, but with many, a confidence approaching to presumption that they cannot be lost. Were we indeed to become secure in this notion, it would be one of our greatest dangers. We are no doubt internally strong, especially in Bengal, and whilst we retain our superiority at sea, we have a peculiar and essential advantage over all enemies, European or Indian. But we ought still to remember that Hindostan is the region of revolutions. A few more successful turns in Benares on the part of so inferior a chief as Cheyte Sing *, would have put all Bengal in commotion. We ought also to remember how much the authority of a handful of strangers depends on *opinion*. To reduce the sources of prejudice against us, and to multiply impressions favourable to us, by assimilating our subjects to our modes of thinking, and by making them happy, and teaching them to understand and value the principles of the people who confer happiness upon them, may be some of the surest means of preserving the footing we have acquired. Under the influence of their original notions, it is impossible they can regard any foreign yoke with a greater degree of predilection than may arise from their deeming it preferable to some other foreign one.

It is indeed no uncommon idea among us, that our only duty towards our Hindoo subjects is to proteet them from oppression, and that doing this, the more we "leave them to themselves" the better. But to evince that this vague hypothesis, like some others which have a currency on Indian subjects, must have been hastily adopted from its show, without serious examination, it may be sufficient to observe, that the code of the Hindoos, which they regard as divine, and which establishes not only principles but a multitude of positive minute laws, all held to be immutable, has received no addition for many ages; and as in all societies and affairs of men, the course of time must produce many changes, many new circumstances and combinations, which will require a succession of legal provisions, a code formed in an early stage of society in many respects rude, can never be adequate to the exigencies of all future generations. "These codes," (the Hindoo and Mahomedan) says Lord Cornwallis in the minute before quoted, "are in many respects inapplicable to the "internal government of the country." The Institutes of Menu seem to leave a latitude to the sovereign (who was to be of the kheteree or military caste), with the advice of his Brahmims, to make new regulations according to occurrent necessities. But the Hindoos with whom we have chiefly to do, have had no sovereign of their own faith for many centuries; nor is it to be supposed that their original code has hitherto proved sufficient, even in causes between parties; for the institutions, or personal decisions of their Mahomedan conquerors, must have superseded an appeal to it in many cases. And there is reason to believe that the Hindoo rajahs, whom those conquerors found in possession of the provinces which had before formed a Hindoo empire, as lately they formed the empire of the Moguls, dispensed justice in cases not provided for by the code, according to their own discretion, by a summary verbal process and decision; a practice † not usual with rulers in Hindostan, which tended however to derogate from the dignity of the courts of justice, and may account in part for our meeting with no ancient judicial records or precedents. From these considerations, then, it may be concluded, that when the state of society among the Hindoos calls for any new provision, it must be proper and even necessary for us to interfere.

But not to pursue these incidental discussions, since we treat our Indian possessions as permanent and consolidated parts of the British empire, and the impolicy of governing them on any other principle, even if the tenure were uncertain, is well understood, doubtless we stand charged with the duties resulting from a permanent relation: and surely a relation of so serious a nature cannot fail to be productive of numerous duties. It must involve in it various points highly important to the happiness of our subjects, and therefore various corresponding obligations.

If we have appropriated those territories in perpetuity to ourselves, if we have assumed the sovereign dominion of them, if we apply a large portion of their annual produce to the use of Great Britian, if we are avowedly resolved to maintain our possession by arms against all pretensions, foreign or local; if by these measures, as well as by specific declarations, we show that we regard the inhabitants as exclusively and absolutely our subjects, all the duties of rulers must be incumbent upon us. We are not only concerned to free the people placed under our dominion from evils connected with taxation, such as feudal oppressions and

* *A. D.* 1781.

† The Brahmins, in countries under foreign rulers, are often made referees; but from their general character are little competent, excepting in cases respecting caste.

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and official abuses, which may be termed extraneous grievances, but to look into evils and disorders which arise among themselves, which prevail in their society, and destroy their peace; to enact and enforce wholesome laws for their internal regulation, and in a word, with the affection of a wise and good superior, sedulously to watch over their civil and social happiness. No laboured argument drawn from the nature of government, is necessary to prove this position; the consideration which has been just adverted to, seems naturally to establish it; nor could it ever suit the principles of this nation to hold the Hindoos under its power as slaves, whose labours are exacted without a due return of benefits. Besides, such a system would soon defeat its own end, by reducing the value of the subjugated country. It is a truth perfectly obvious, that our own interest recommends the happiness of that people. The primary object of Great Britian, let it be acknowledged, was rather to discover what could be obtained from her Asiatic subjects, than how they could be benefited. In process of time it was found expedient to examine how they might be benefited, in order that we might continue to hold the advantages which we at first derived from them; and now, when we have wisely and for ever fixed a limit to our demand upon them, duty calls upon us to accomplish the remainder of our progressive work, and to exert that solicitude for the gradual improvement of their condition, in all points wherein it is still capable of amendment, which is due to them as useful subjects and as fellow-creatures, whose happiness is committed to our care.

To elucidate some of those points which thus demand our attention, and to suggest such means of melioration as we may with safety use, is the design of the ensuing pages; in which the method of proceeding shall be, first, to give a view of the present state of our Hindoo subjects with respect to society and morals, illustrated by authentic documents; secondly, to inquire into the causes which have produced that state; and thirdly, to propose remedies for the evils of it, with answers to such objections as are likely to be made to the plan which shall thus be offered to consideration.

CHAP. II.

View of the State of Society among the Hindoo *Subjects of* Great Britain, *particularly with respect to Morals.*

View of the Morals of the Hindoos.

IN prosecuting the proposed inquiry, the State of Society and Manners among the people of Hindostan, and more particularly among those who inhabit our territories, becomes in the first place a special object of attention. It is an object which perhaps has never yet received that distinct and particular consideration, to which from its importance in a political and moral view, it is entitled.

It has suited the views of some philosophers to represent that people as amiable and respectable; and a few late travellers have chosen rather to place some softer traits of their characters in an engaging light, than to give a just delineation of the whole. The generality, however, of those who have written concerning Hindostan, appear to have concurred in affirming what foreign residents there have as generally thought, nay, what the natives themselves freely acknowledge of each other, that they are a people exceedingly depraved.

In proportion as we have become better acquainted with them, we have found this description applicable, in a sense beyond the conception even of former travellers. The writer of this paper, after spending many years in India, and a considerable portion of them in the interior of our provinces, inhabited almost entirely by natives, towards whom, whilst acknowledging his views of their general character, he always lived in habits of good-will, is obliged to add his testimony to all preceding evidence, and to avow that they exhibit human nature in a very degraded, humiliating state, and are at once objects of disesteem and of commiseration. Discriminations in so vast a body as the whole Hindoo people, there must be, though the general features are very similar.

Among that people, the natives of Bengal rank low; and these, as best known and forming the largest division of our Asiatic subjects, are held more particularly in view in this essay. The Mahomedans who are mixed with them, may, in regard to manners and morals, often be comprehended under the same observations; but something distinct shall afterwards be subjoined concerning them.

Of the Bengaleze, then, it is true most generally that they are destitute, to a wonderful degree, of those qualities which are requisite to the security and comfort of society. They want truth, honesty, and good faith, in an extreme, of which European society furnishes no example. In Europe, those principles are the standard of character and credit; men who have them not are still solicitous to maintain the reputation of them, and those who are known to be devoid of them sink into contempt. It is not so in Bengal. The qualities themselves are so generally gone, that men do not found their pretension in society upon them; they take no pains to acquire or to keep up the credit of possessing them. Those virtues are not the tests by which connections and associations are regulated; nor does the absence of them, however plain and notorious, greatly lower any one in public estimation, nor strip him of his acquaintance. Want of veracity, especially, is so habitual, that if a man has truth to defend, he will hardly fail to recur to falsehood for its support. In matters of interest, the use of lying seems so natural, that it gives no provocation, it is treated as an excusable indulgence, a mode of proceeding from which general toleration has taken away offence, and the practice of cheating, pilfering, tricking, and imposing, in the ordinary transactions

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transactions of life, are so common, that the Hindoos seem to regard them as they do natural evils, against which they will defend themselves as well as they can, but at which it would be idle to be angry. Very flagrant breaches of truth and honesty pass without any deep or lasting stain. The scandalous conduct of Tippoo, in recently denying to Lord Cornwallis, in the face of the world, the existence of that capitulation * which he had shamefully broken, was merely an example of the manners of the country, where such things occur in common life every day.

In the worst parts of Europe, there are no doubt great numbers of men who are sincere, upright, and conscientious. In Bengal, a man of real veracity and integrity is a great phenomenon; *one conscientious in the whole of his conduct*, it is to be feared, is an unknown character. Every where in this quarter of the globe, there is still much generous trust and confidence, and men are surprised when they find themselves deceived. In Bengal, distrust is awake in all transactions; bargains and agreements are made with mutual apprehensions of breach of faith, conditions and securities are multiplied, and failure in them excites little or no surprise.

A serious proposal made to a native, that he should be guided in all his intercourses and dealings by the principles of truth and justice, would be regarded as weak and impracticable. "Do you know," he would reply, "the character of all those with whom I have to "act? How can I subsist if I take advantage of nobody, while every person takes advan-"tage of me?" Frauds, deceptions, evasions, and procrastinations, in every line of life, in all professions, perpetually occur, and forgeries also are often resorted to with little scruple.

If confidence is from necessity or credulity at any time reposed, it is considered by the other party as the season of harvest. Few will omit to seize such an opportunity of profit. The chief agent or steward of a landholder or of a merchant, will commonly endeavour to transfer to himself what he can gradually purloin of the property and the influence of his principal; this agent is in the mean time preyed upon in a similar way, though on a smaller scale, by his dependents, especially if prosperity has rendered him less vigilant. But suppose him, by a slow, silent, and systematic pursuit, to have accumulated a large fortune, and to leave it on his death to his son, the son, rich and indolent, is in turn imperceptibly fleeced by his domestic.

Menial servants who have been long in place, and have even evinced a real attachment to their masters, are nevertheless in the habitual practice of pilfering from them. If a nephew is entrusted by an uncle, or a son by his father, with the management of his concerns, there is no certainty that he will not set up a separate interest of his own. Wardships and executorships, trusts of the most necessary and sacred kind, which all men leaving property and infant children must repose in surviving friends, are in too many instances grossly abused. The confidence to which the Bengaleze are most true, is in the case of illicit practices, on which occasions they act upon a point of honour.

Even the Europeans, though in general possessed of power and of comparative strength of character, which makes them to be particularly feared, yet as often as they are careless or credulous in their transactions with the Bengaleze, find that they have fallen into the hands of harpies †.

Through the influence of similar principles, power entrusted to a native of Hindostan seldom fails of being exercised tyrannically, or perverted to the purposes of injustice. Official or ministerial employments of all sorts, and in all gradations, are generally used as means of peculation.

It has already appeared that the distribution of justice, whenever it has been committed to natives, whether Hindoos or Mahomedans, has commonly ‡ become a traffic in venality; the best cause being obliged to pay for success, and the worst having the opportunity of purchasing it. Money has procured acquittance even for murder. Such is the power of money, that no crime is more frequent, hardly any less thought of, than perjury. It is no extraordinary thing to see two sets of witnesses swearing directly contrary to each other, and to find, upon a minute investigation, that few probably of the evidences on either side have a competent knowledge of the matter in question. Now, as these corruptions begin not in the practice of the courts of law, but have their origin in the character of the people, it is just to state them in illustration of that character; for although the legal reforms introduced by Lord Cornwallis will purify, it may be hoped, the fountains of justice, yet the best administration of law will not eradicate the internal principles of depravity.

Selfishness,

* Of Coimbeture.

† If the reader should here advert to the many large fortunes which are brought from India, and thence infer that the Europeans make their own part good there, notwithstanding all the dishonest artifices of the Hindoos whom they are obliged to employ, he may be answered, that according to the judgment of the person who writes this, the great mass of the fortunes now acquired, is not by any mode of extortion or exaction taken out of the pockets of individuals. A considerable portion of it is derived from the *offices*, *salaries*, contracts, and emoluments, enjoyed under government. Another portion from commerce, particularly foreign commerce, in which Europeans have superior enterprise, character, and advantage. And if any part is obtained by forbidden means, still the acquisition may in general be traced ultimately to what is strictly public property, not the property of private individuals. These slight remarks are thrown out as worthy the consideration of those persons, who without examination or inquiry, are apt to suspect, that every fortune gained in India is got by extortion. More might be added upon the subject, but it would not suit the design of the present work.

‡ There may be exceptions: Ibrahim Ali Khan of Benares is reckoned a man of probity.

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Selfishness, in a word, unrestrained by principle, operates universally; and money, the grand instrument of selfish gratifications, may be called the supreme idol of the Hindoos. Deprived for the most part of political power, and destitute of boldness of spirit, but formed for business, artful, frugal, and persevering, they are absorbed in schemes for the gratification of avarice.

The tendency of that abandoned selfishness is to set "every man's hand against every man," either in projects, or in acts of open force. From violence, however, fear interposes to restrain them. The people of the lower provinces in particular, with an exception of the military caste, are as dastardly as they are unprincipled. They seek their ends by mean artifices, low cunning, intrigue, falsehood, servility, and hypocritical obsequiousness. To superiors they appear full of reverence, of humble and willing submission, and readiness to do every thing that may be required of them; and as long as they discern something either to expect or to fear, they are wonderfully patient of slights, neglects and injuries. But under all this apparent passiveness and meanness of temper, they are immoveably persisting in their secret views. With inferiors, they indemnify themselves by an indulgence of the feelings which were controlled before; and towards dependents, especially towards those whom an official situation subjects to their authority, they carry themselves with the mean pride of low minds. In the inferior, and by far the most numerous class of the community, where each man is nearly on a level with his neighbour, the native character appears with less disguise. The passions have a freer range, and new consequences are seen to result from the absence of the primary virtues of society. Discord, hatred, abuse, slanders, injuries, complaints, and litigations, all the effects of selfishness unrestrained by principle, prevail to a surprising degree. They overspread the land, they come perpetually before all men in authority. The deliberate malice, the falsehood, the calumnies, and the avowed enmity with which the people pursue each other, and sometimes from father to son, offer a very mortifying view of the human character. No stranger can sit down among them without being struck with this temper of malevolent contention and animosity, as a prominent feature in the character of the society. It is seen in every village; the inhabitants live among each other in a sort of repulsive state, nay it enters into almost every family. Seldom is there a household without its internal divisions and lasting enmities, most commonly too on the score of interest. The women partake of this spirit of discord. Held in slavish subjection by the men, they rise in furious passions against each other, which vent themselves in such loud, virulent, and indecent railings, as are hardly to be heard in any other part of the world.

Though the Bengaleze in general have not sufficient resolution to vent their resentments against each other in open combat, yet robberies, thefts, burglaries, river piracies, and all sorts of depredations where darkness, secrecy, or surprise can give advantage, are exceedingly common, and have been so in every past period of which any account is extant. There are castes of robbers and thieves, who consider themselves acting in their proper profession, and having united their families, train their children to it. Nowhere in the world are ruffians more adroit or more hardened. Troops of these banditti, it is well known, are generally employed or harboured by the zemindars of the districts, who are sharers in their booty. They frequently make attacks in bodies, and on those occasions murder is very common. But besides these regular corps, multitudes of individuals employ themselves in despoiling their neighbours. Nor is it only in large and populous places and their vicinity, that such violences are practised; no part of the country, no village is safe from them. Complaints of depredations in every quarter, on the highways, on the water as well as the land, are perpetual. Though these are the crimes more immediately within the reach of justice, and though numbers of criminals have been, and are executed, the evils still subsist. Doubtless the corrupt administration of criminal justice in Bengal, for many years under the authority of the Nabob, has greatly aggravated disorders of this nature; but they have their origin from remoter springs. Robbers among the Hindoos, and frequently thieves also, are educated from their infancy in the belief that their profession is a right one. No ray of instruction reaches them to convince them of the contrary, and the feeble stirrings of natural consience are soon overborne by example and practice. Besides this, they hold, in common with other Hindoos, the principle of fatalism, which in their case has most pernicious effects. They believe that they are destined by an inevitable necessity to their profession, and to all that shall befal them in it; they therefore go on without compunction, and are prepared to resign life, whenever the appointed period shall come, with astonishing indifference; considering the law that condemns them, not as the instrument of justice, but as the power of a stronger party. And here again it is evident, that a radical change in principle must be produced, before a spirit of rapine thus nourished can be cured.

Benevolence has been represented as a leading principle in the minds of the Hindoos; but those who make this assertion know little of their character. How is it possible that benevolence should be vigorous where justice, truth and good faith are so greatly wanting? Certain modes, indeed, of distributing victuals to mendicants, and a scrupulous abstinence from some sorts of animal food, are prescribed by the religion of the Hindoos. But the ostentatious distribution is frequently commutative; an offering from the gain of iniquity bestowed on idle and sturdy priests. And though a Hindoo would shrink with horror from the idea of directly slaying a cow, which is a sacred animal among them, yet he who drives one in his cart, galled and excoriated as she often is by the yoke, beats her unmercifully from hour to hour, without any care or consideration of the consequence. Though therefore the institution of the two practices in question may be urged as an argument for the originally benevolent turn of the religion which enjoined them, it will not at all follow that individuals, who in future ages perform them in obedience to that religion, must also

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also be benevolent; and he who is cruel even to that creature for which he is taught by his religion to entertain the highest reverence, gives the strongest proof of an unfeeling disposition. It is true that in many cases they are strict in observing forms. These are indeed their religion, and the foundation of their hopes; their castes are implicated in them, and in their castes their civil state and comfort. But of the sentiments which the forms would seem to indicate, they are totally regardless. Though from the physical structure of their bodies they are easily susceptible of impressions, yet that they have little real tenderness of mind, seems very evident from several circumstances. The first that shall be mentioned is the shocking barbarity of their punishments. The cutting off legs, hands, noses, and ears, putting out of eyes, and other penal inflictions of a similar kind, all performed in the coarsest manner, abundantly justify our argument.

A similar disposition to cruelty is likewise shown in their treatment of vanquished enemies. And in general a want of sensibility for others is a very eminent characteristic of this people. The apathy with which a Hindoo views all persons and interests unconnected with himself, is such as excites the indignation of Europeans. At any rate his regards extend but to a very narrow circle. Patriotism is absolutely unknown in Hindostan.

These observations lead us to another striking proof of want of benevolence in the Hindoos; namely, their deficiency of natural affection. It is admitted that examples are not very uncommon of parents who show much tenderness to their children, especially during their infancy; but instances on the other side are so general, as clearly to mark the dispositions of the people. The following fact is one out of many, by which this assertion might be justified. In the scarcity of grain which prevailed about Calcutta in the year 1788, a gentleman then high, now still higher in office there, ordered his servants to buy any children that might be brought for sale, (for in times of dearth Hindoo parents frequently sell their offspring,) and to tell their mothers, that when the scarcity should be over, they might come again and receive their children back. Of about twenty thus humanely preserved, most of whom were females, only three were ever inquired for by their mothers. The scarcity was neither extreme nor long. The unnatural parents cannot be supposed to have perished from want, for each received money for her child, and by the liberal contribution of the inhabitants of Calcutta, and chiefly of the Europeans, rice was distributed daily to multitudes at various stations about the city. And yet notwithstanding this facility of obtaining food, a woman was at that time seen, in broad day, to throw away her infant child upon the high road. Most of the slaves in Hindostan (where they are used only for domestic services) have lost their freedom by the act of their parents. If the necessity is such at times as to lead to this expedient, is it not also an occasion to call forth the warmth of parental affection? Filial and paternal affection appear equally deficient among them; and in the conjugal relation, the characteristic indifference of the people is also discernible among those who come most within the sphere of European observation, namely, the lower orders.

The domestic state of the better ranks is more concealed from general view; but from the knowledge which is acquired, and from the peculiar usages by which marriage is governed among the Hindoos, we have no reason to believe that it is often sweetened by generous attachment or rational enjoyment. The parties betrothed by their parents whilst mere children, transplanted, with minds uncultivated and inexperienced, from the maternal zenana * into one of their own, united whilst reason is still in its infancy, can give little more account of the situation in which they find themselves than animals of a lower species. Affection and choice have had no influence in this connection, nor does it often happen that the former is studied and improved. The parties continue passive under that law which first brought them together. According to the despotic manners of the East, the husband is lord, and the wife a servant; seldom does he think of making her a companion or a friend. Polygamy, which is tolerated among the Hindoos, tends still more to destroy all rational domestic society. The honour of the family, and the preservation of its caste, the most awful of its concerns, depends on the reputation of the wife. She is secluded from all eyes but those of her nearest relations, and the most terrifying and disgraceful punishments are held out against misconduct. From so early an union, and such subsequent care, Europeans may suppose that order and decorum reign in the Hindoo zenanas; but the conclusion is founded on conjecture, rather than upon actual knowledge. The profound reserve and caution observed by the men in their conduct, and even in their conversation, respecting their family connections, keep all foreigners at a distance; and it is to the honour of the English, that there is perhaps no instance of their attempting an invasion of the domestic recesses of the Hindoos. But those who have an opportunity of living among the natives in the interior of the country, see reasons for apprehending that the purity of the female character is not always so well preserved in reality, as in appearance.

In a residence of several years entirely among the natives, the present writer heard so many charges of irregularity, and saw so many disorders among the inferior ranks, that he could not but believe the existence of a gross laxity of behaviour and principle in this great branch of morals, in some degree at least reaching to the better classes. But the disgrace and loss which follow to the family from the proof of dishonour in the wife, are such as to induce the parties concerned to hush up all matters of that sort, and to take their revenge in some secret way; they will seldom seek redress openly, unless the affair has already been notorious. Accusations by others of such contaminations in families, are very common among the lower Hindoos, and scandals of the same kind pass among the higher orders. Enmity,

* The private apartments of the women.

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Enmity, it is true, may be supposed to have its share in these charges; it may occasionally fabricate them, and is undoubtedly active in bringing them forward; but that it should always invent them, and should persevere in a succession of inventions which experience was ever ready to discredit, is not to be conceived. The truth is, the Hindoo writers and the Hindoo laws express the worst opinion of their women, and seem to place all security in vigilance, none in principle. And, indeed, what fund of principle can minds which have received no improvement in education, and in which reason as yet has hardly begun to act, carry into a premature and unchosen conjugal relation? a relation, the early commencement of which is probably to be ascribed to the apprehension of parents for the conduct of their children. Imperious dominion, seclusion and terror, are the means afterwards used to enforce the fidelity of the wife. But opportunities of guilt are not wanting. In the hours of business, men are generally at a distance from the retirements of the women; they are often, and for considerable periods, far from home; females, who are the great instruments of corrupting their own sex, are permitted access to the zenanas; besides, the Hindoo law allows women to converse with Soneassees, a set of vagrant devotees, some of them most indecent in their appearance. The consequences are such as might be expected.

It is not however asserted or believed, that the infection of depravity has overspread the whole mass of females, many of whom, doomed to joyless confinement through life, and a violent premature death, are perhaps among the most inoffensive and suffering of the Hindoo race. As to the men, they are under little restraint from moral considerations. The laws of caste impose restrictions and fines for offences of the nature in question, so far as *that distinction* is concerned, but leave great scope for new connections, and for promiscuous intercourse, which is matter of little scruple or observation. Receptacles for women of infamous character are every where licensed, and the women themselves have a place in society. The female dancers, who are of this order, make the principal figure in the entertainments of ceremony given by the great. Indecency is the basis of their exhibitions; yet children and young persons of both sexes are permitted to be present at these shows, which have admittance even into the principal zenanas*. Licentious connections are therefore most common, though subsisting apparently without that intoxication of passion which hurries on the mind against conviction, and carried on without much concealment, nay almost with the insensibility of brutes. On such points, the Hindoos seem to advert to no rule except what the law enjoins; there is no sentiment diffused at large through society, which attaches shame to criminality. Wide and fatal are the effects of this corruption of manners; a corruption not stopping here, but extending even to the unnatural practices of the ancient Heathens, though in these the Mahomedans are still more abandoned.

Europeans who, not having *resided* in Asia, are acquainted only with a few detached features of the Indian character, may possibly feel some doubt whether this sketch, which professes to trace but the greater and more palpable lines, is to be received as a sober and faithful representation. They will reason concerning the Hindoos from what they have seen of human nature elsewhere; and it is unquestionably true, even that part of Europe which is most corrupt, offers no such picture as that which has been drawn in the preceding pages. They may be staggered too by having heard many discordant opinions on this very subject. For some modern philosophers already hinted at, whose aim has been to subvert, together with revealed religion, all ideas of the moral government of the Deity, and of man's responsibility to him, have exalted the natives of the East, and of other pagan regions, into models of goodness and innocence. Other writers, with far better views, indignant at the alledged delinquencies of Europeans in Hindostan, have described the natives of that country as a harmless, kind, peaceable, and suffering race. Others, again, speak rather from an admiration inspired by the supposed past state of the Hindoos, mixed with pity for their present situation, than from experience of their actual qualities and dispositions. And there may be others still, who have not had much personal experience of the evils resulting from the state of society among the Hindoos, but being pleased with their obsequiousness, and easily acquiescing in the licentiousness prevalent among them, have been willing to treat of their character and proceedings with indulgence. The doubts, however, arising from these sources, will, it is hoped, be entirely removed by the corroborating testimonies now about to be produced.

It is indeed true, that travellers are apt to form their opinions of countries and of nations from what they have themselves happened to see; and it is also to be remembered, that of the many Europeans who have visited India, especially in later times, the opportunities, the means, and perhaps the desire, of information, have been very different. We may all be sensible that more accurate observation and mature experience often correct the first impressions we receive, even of European countries or places new to us; and that it is no easy work to attain to a just and comprehensive knowledge of the character of any people. Whilst an European, deriving a superiority from his race, or from the station he is appointed to fill, regards only in a distant speculative way the effeminate exterior, adulatory address, and submissive demeanor of the Hindoos, he naturally enough conceives them to be a people in whom the mild and gentle qualities predominate. He is apt to consider them with a mixture of complacency and contempt; and even the bad dispositions towards each other, which he soon discovers to exist in them, he may view with feelings analogous to those which the petty malignity of children, or of beings of a diminutive species, might excite.

But

* Lord Cornwallis, soon after his arrival in Bengal, refused to be present at an entertainment of this sort, to which he was invited by the Nabob.

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But let him enter into dealings with them, let him trust them, or become in concerns of importance dependent on them; let him in short by these, or any other means, come more upon a level with them, and he will then learn better to appreciate their real character. Let it therefore be recollected, that as members of the same community they always stand, in many respects, on such a level with each other, suffering continually from mutual injuries; and that it is in thus viewing them, in considering not so much the mischiefs which they can do to us, as the evils which they diffuse through their own society, that we shall assign to them their true place in the moral scale. Whether that is done here, shall therefore be cheerfully left to the determination of those who have had a long residence among them, and extensive dealings with them. It is believed, that no person of this description will think the picture now given adds fictitious features, or aggravates real ones *.

It will not however be understood, that what is here advanced generally is to be applied to the utmost extent to every individual and every transaction; it is the universality of great depravity that is here insisted on,—a general moral hue, between which and the European moral complexion there is a difference analogous to the difference of the natural colour of the two races.

There is a standard to which, for the elucidation of this subject, we may largely appeal,—the records of the East-India Company, which contain an immense collection of facts respecting the Hindoos, and relating to various subjects, political, judicial, financial, and commercial. Those records less frequently profess to treat of character and common life, than of matters of business; but it continually happens, that they incidentally develope the principles and conduct of the Hindoos, and that in a more convincing way than if the primary object had been to describe them. Nor do they contain the mere representations of Europeans, who might be suspected of a tincture of partiality in this case, but the natives are themselves brought upon the stage, and heard concerning each other. These records will be found abundantly to substantiate all that is here advanced.

To introduce a great variety of quotations from so copious a source (as numerous as they must be, to do justice to the subject,) is not within the compass of the brief exposition here intended; but after having previously stated the opinion of an intelligent traveller, who observed the manners of the Hindoos in the last century, we shall select a few extracts, containing the sentiments of persons of distinguished information and respectability, writing at different periods, without any concert with each other, and under no temptation to depreciate the people of whom they speak.

BERNIER, about 1670.

" Ces sortes de rois barbares n'ont *aucune véritable générosité*, et *ne sont guères retenus par* " *la foi qu'ils ont promise*, ne regardant qu'à leurs intérêts présens, sans songer mêmes aux " malheurs qui leur peuvent arriver de leur perfidie, et de leur brutalité.

" Pour se tirer de leurs mains, il faut être ou le plus fort, ou n'avoir rien qui puisse exciter " leur avarice."

" Je ne sai s'il y a au monde, *une nation plus avare et plus sordide que celle-là.*"

" Les Brahmens entretiennent ces peuples dans ces erreurs et superstitions, et *passent même jusques à des fourberies et à des vilainies si infâmes*, que je ne les aurois jamais pû croire, si je ne m'en étois pleinement informé †."

Mr. SCRAFTON, 1759.

" The Gentoos *are found still more cruel and rapacious than their foreign masters*, and " what is more extraordinary, *the Brahmens still exceed the rest in every abuse of power*, and " *seem to think if they bribe God, by bestowing part of their plunder on cows and faquirs,* " *their iniquities will be pardoned.*"

" *Loyalty* and *patriotism*, those virtuous incentives to great and noble actions, *are here unknown*; and when they cease to fear they cease to obey."

" Such of the *Brahmens* as engage in the world, *are generally the worst of all the Gentoos;* " *for persuaded that the waters of the Ganges will purify them from their sins, and being* " *exempted from the utmost rigour of the courts of justice* under the Gentoo government, *they* " *run into the greatest excesses* ‡."

GOVERNOR HOLWELL, about 1760.

" A race of people, who from their infancy *are utter strangers to the idea of common faith* " *and honesty.*"

" This is the situation of the bulk of the people of Indostan, as well as of the modern " Brahmins; amongst the latter, if we except one in a thousand, we give them over " measure."

" The

* It may be proper to remark, that the features here delineated, are taken from the Hindoo character as it generally exists in civil life. Those gentlemen who have passed their time chiefly in our Indian armies, may not have seen it with exactly the same aspects. The military caste of the Hindoos have a portion of those qualities which usually accompany the profession of arms: better pay, better treatment, and our high reputation in war, make it their interest to attach themselves to our service; they are withdrawn from many of the collisions of civil affairs, and they are under the powerful control of military discipline, which, with the habits of military life, must throw a perceptible distinction into their character, at least while they remain embodied in our employ; but when they retire and separate, they assimilate more to the rest of their countrymen.

† Voyages de François Bernier, Tome I. page 150, 162, et Tome II. page 105.

‡ Reflections on the Government of Hindostan, by Luke Scrafton, Esq. pages 26, 27. See in the same work, page 19 & seq. a striking character of the Mahomedans of rank in India.

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" *The Gentoos in general are as degenerate, crafty, superstitious, litigious, and wicked a* " *people, as any race of people in the known world, if not eminently more so, especially the* " *common run of Brahmins*; and we can truly aver, that during almost five years that we " presided in the Judicial Cutchery Court of Calcutta, *never any murder or other atrocious* " *crime came before us, but it was proved in the end a Brahmin was at the bottom of it* *."

LORD CLIVE, 1765.

" The inhabitants of this country, we know by long experience, *have no attachment to any* " *obligation* †. "

GOVERNOR VERELST ‡, about 1768.

" It is customary with these people to spin out treaties to an immoderate length; " *avaricious in the highest degree, they endeavour by every artifice to increase their exorbitant* " *demands; and faithless themselves, they are suspicious of the faith of others.*"

" His (Haffez Rahmet Caun's) character has little to distinguish it, *except that low cunning,* " *intrigue, and deceit, so general in this country.*"

" The Nabob Sujah-al-Dowlah is our next ally, and *if gratitude can be any tie on an* " *Hindostan heart,* we have every reason to look upon him as connected with us by the most " indissoluble bonds."

" His (Jewhar Sing's) character, like the majority of the great in Hindostan, is that of " a man absorbed in pleasure and luxury, weak, vain-glorious, aspiring, without experience " or abilities."

" The body of the people are in a manner formed to bear the yoke. They possess nothing " of the inquisitiveness of the European nations, and the most slender arts (i. e. in things " unknown to them) are sufficient to obscure their understanding, and fit them for implicit " submission."

" *It would be as easy to change the genius and manners of the people, as to prevent the* " *Banians and followers of men in station from abusing their master's name.* Chastisements " may deter the oppression for a moment, but in such cases, *the servility of the people must* " *be removed before oppression can be eradicated.*"

" An Englishman will ever be unfit to follow *the subtle native through all his arts.* The " *treachery of Hindostan professions will prepare* him better for the frank declarations of " his English allies."

" *The venality which forms part of the genius of the people, and which is known to be* " *openly exercised, or tacitly allowed by government, without drawing any shame or discredit on* " *the guilty, or being thought any peculiar hardship on the injured . . . . . .*"

" *Every person of any substance or character in this country, has been successively* " *tried in the department of the collections. Fear, reward, severity, and indulgence, have* " *all failed,* and ended in a short political forbearance, *or additional acts of dishonesty* " *and rapine.*"

" The *evasions and artifices which are familiar to the natives of this country,* have often " been successful in screening them from that open and manifest detection which can " justify punishment."

" Certain it is that *almost every decision of theirs* (the Mahomedan judges, who continued " to decide in criminal matters to the time of Lord Cornwallis) *is a corrupt bargain with the* " *highest bidder.* The numerous offences which are compromised by fines, have left a great " latitude for very unjust determinations. Trifling offenders, and even many condemned " on fictitious accusations, are frequently loaded with heavy demands; *and capital criminals* " *are as often absolved by the venal judges.*"

" *The peculiar punishment of forfeiting castes,* to which the Hindoos are liable, *is often* " *inflicted from private pique and personal resentment among themselves* §."

The GOVERNOR (MR. HASTINGS) and COUNCIL of BENGAL, about 1772.

" The decoits of Bengal are not, like the robbers in England, individuals driven to such " desperate courses by sudden wants. *They are robbers by profession, and even by birth*; " *they are formed into regular communities, and their families subsist by the spoils which they* " *bring home to them*; they are all therefore alike criminal; wretches who have placed " themselves in a state of declared war with government, and are therefore wholly excluded " from every benefit of its laws. *We have many instances of their meeting death with the* " *greatest insensibility.*"

" *The litigiousness and perseverance of the natives of this country in their suits and com-* " *plaints,* is often productive not only of *inconvenience and vexation to their adversaries, but* " *also of endless expence and actual oppression.*"

" To curb and restrain trivial and groundless complaints, *and to deter chicane and* " *intrigue, which passions amongst these people often work to the undoing of their neigh-* " *bours* || . . . . . ."

MR. SHORE

* Holwell's Historical Events, Vol. I. page 228, and Vol. II. page 151

† Cited in Bolt's Considerations, Vol. III. Appendix A, page 33.

‡ Besides what has been already said of him, we may add, that he was a well informed servant of the Company; and that many papers in the Appendix to his " View of Bengal," are valuable.

§ Verelst's View of the English Government in Bengal; Original Papers in the Appendix, pages 58, 102, 103, 105, 108, &c.

|| Reports of the Secret Committee of the House of Commons, 1772, Appendix, No. 2.

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MR. SHORE*, about 1783 or 1784.

"The *natives are timid and servile.* As individuals, they are *insolent to their inferiors*; "to their superiors, generally speaking, submissive, though they are to them *also guilty of* "*insolence when they can be so with impunity.* Individuals *have litte sense of honour,* and "*the nation is wholly void of public virtue. They make not the least scruple of lying* "*where falsehood is attended with advantage*; yet both Hindoos and Mahomedans, con- "tinually speak of their credit and reputation, by which they mean little more than the "appearance they make to the world.

"*Cunning and artifice is wisdom to them. To deceive and over-reach, is to acquire* "*the character of a wise man. The greatest disgrace they can suffer is to lose their caste,* "*or as we say, to be excommunicated.* This punishment is inflicted for the breach of "the injunctions of their religion, or what is the same, of the ordinances of their "priests."

"*To lie, steal, plunder, ravish, or murder, are not deemed sufficient crimes to merit expulsion* "*from society.*"

"*With a Hindoo, all is centered in himself; his own interest is his guide*; ambition is "a secondary quality with him, and the love of money is the source of his passion."

"The advantage they derive over Europeans, is *by practising those arts of meanness* "*which an European detests.* A MAN MUST BE LONG ACQUAINTED WITH THEM†, *before* "*he can believe them capable of that barefaced falsehood, servile adulation, and deliberate* "*deception, which they daily practise.* It is in vain that we search for men of enlightened "understanding, deep reasoning and reflection, among the natives. The education of the "Hindoos is confined to their being taught their own language. The Mahomedans are "little better instructed: the acquisition of a few moral or political maxims, which in "practice they neglect, is all they know of the art of government: if exceptions can be "found, they are very rare. An Englishman cannot descend to *those little practices of oppres-* "*sion, or extortion, so familiar to the natives, his mind revolts at the idea of them.* And admitting "even that some are by habit, connection, or necessity, become depraved, there is, after "all, in every breast, *a sense of honour and virtue that recoils from the low, vicious acts of a native* "*of Bengal.* It is the business *of all, from the Ryott to the Dewan, to conceal and deceive;* "*the simplest matters of fact are designedly covered with a veil, through which no human* "*understanding can penetrate*‡."

SIR JOHN MACPHERSON, Governor General, about 1785-6.

"I am afraid that the picture which he (Mr. Shore) draws, and the low ebb at which he "states the popular virtues of the Bengaleze, are *not fictitious representations* §."

COLONEL SIR ROBERT BARKER.

"It is well known that neither promises nor oaths have been able to bind this treacherous "sect of people to their engagements. Sujah Dowlah was like all other Indostanners, not "observing much faith when it was his interest to do otherwise‖."

The transcriber of the preceding pages, writing at [a] distance from public offices, and possessed of few unpublished documents, is not able to adduce any comprehensive opinion delivered by Lord Cornwallis respecting the natives; but in the many papers on almost all subjects connected with his government, which his Lordship has entered on the records of the Company during his administration, his sentiments must be abundantly seen, and to those papers the reader is referred, without fear of their contradicting the views here given. A government of reform, like his Lordship's, implies a sense of many existing evils, and the conduct in one striking instance of a person so considerate and humane, is entitled to particular notice. Though civil and attentive to the natives, *he has reposed no confidence in any of them, nor has he had a single individual, either Hindoo or Mahomedan, about his person, above the rank of a menial servant, contrary to the general usage of men occupying such stations as he filled.*

Upon one very important subject, the criminal justice of the country, to the administration of which Lord Cornwallis has given a new constitution, some of his observations, written as introductory to that essential improvement; are here exhibited.

3d DECEMBER, 1790.

"The regulation of justice in criminal cases, although constituting one of the most "essential requisites of good government, yet never appears (as far as can be traced) to "have received the attention it so well merits, under any system, either of the Mogul "or Hindoo administration, in India.....The next alteration I would propose is that "already alluded to, in regard to the option left to the next of kin to remit the sentence "of the law and pardon the criminal. The evil consequences, and the crimes which "hereby

* Now Governor General of Bengal.

† To this declaration from a witness eminently competent, attention is particularly requested.

‡ The whole of this curious paper is inserted in the Parliamentary Proceedings against Mr. Hastings, Appendix to Vol. II. page 67.—*The Remarks in the preceding sheets were penned before this document was examined by the writer of them.*

§ Parliamentary Proceedings against Mr. Hastings, Appendix to Vol. II. page 65.

‖ Ibid. Appendix to Vol. I. page 229, and Vol. II. page 8.

" hereby escape punishment, are so manifest and frequent, that to take away the discretion " of the relations, seems absolutely requisite to secure an equal administration of justice, " and will constitute a strong additional check on the commission of *murder and other* " *crimes, which are now no doubt often perpetrated, under the idea of an easy escape through* " *the notorious defect of the existing law,* which at first perhaps was confined to appeals, or " private prosecutions, by the next of kin, and had no application to public prosecutions " in the name of the sovereign, and which is besides peculiarly inapplicable to this " country (however it may have suited the society it was originally intended for); because " where *Brahmins commit murder on any person of the Hindoo religion, they know that they* " *do so with almost perfect impunity,* since in most cases it cannot be expected that any " Gentoo will ever desire, or be consenting to the death of a Brahmin, of which a case " exactly in point is now depending before the Board, from Benares, where *a Brahmin* " *having wantonly killed his wife, has, although confessing and convicted of the crime, been* " *pardoned by her relations.* But it is unnecessary to have recourse to the testimonies of " the magistrates, *to prove the abuses practised in these courts.* The multitudes of criminals " with which the jails in every district are now crowded, *the numerous murders, robberies,* " *and burglaries, daily committed, and the general insecurity of person and property, which* " *prevails in the interior parts of the country,* are melancholy proofs of their having long and " too generally existed. The inefficacy of the clause in the engagements of the land- " holders, making them responsible for all robberies, has been long experienced, and so far " from protecting the country, they or their police officers (who in general purchase their " appointments, or pay an annual consideration for them) are but too often concerned in the " enormities it is their duty to prevent."

When this great change in the administration of criminal justice was in contemplation, various queries were proposed to the English magistrates stationed throughout the country, respecting the existing state of the police. Their answers, which are inserted at length in the records of the Bengal government, present a scene of shocking disorder. As it would be too tedious to insert the whole of them upon a subject so little questionable, one only, which goes into character as well as facts, shall be quoted. It is from Mr. Rocke, the magistrate of Jessore.

DECEMBER, 1789.

" The punishments however, though they exceed in variety and severity those inflicted " by a British court of justice, do not appear at all adequate to the suppression of crimes; " and of this the Fougedary records, to the present hour, will bear a melancholy testimony " as well with regard to the number, as the nature of the offences, always to be found in " the calendar. The partiality of the natives of this country to a profession they have " once embraced, and their extreme reluctance to quit it, are notorious. The same prin- " ciple and inherent prejudice which attach the mechanic to his particular line of profession, " operate equally upon the robber, house-breaker, or murderer, who, desperate as his occu- " pation is, cherishes it as much, holds it as dear, and follows it as systematically, as the " peaceful merchant his easy and lucrative one. Besides this, the constitutional apathy of " the natives of this country, and the patience with which they endure pain, and even " resign life, render them, for the most part, regardless of corporal sufferance; and princi- " pally to this cause may be ascribed the reason, why crimes of all descriptions still " continue to be perpetrated, although such frequent sacrifices are made to the offended " laws."

" Of the effects produced by the different modes of punishment in this country, we " have frequent experience. It may be needless to particularize the milder ones inflicted " for trifling offences, as their effects may be judged of from what we see produced by " those of greater magnitude, and more severe nature. Perpetual imprisonment is, I think, " improperly regarded as a punishment of a higher order. To British minds, the idea " it conveys is indeed dreadful; but there is nothing in it so terrible to a native of Bengal, " to whose natural indolence and inactivity, a life of this nature is perfectly congenial, and " whilst the necessaries and comforts of life are within their reach, the restraint they are " under is a circumstance of no great hardship to them, being seldom or never so close as " to debar them from intercourse with the rest of the world. The effects of this punish- " ment are, I apprehend, never such as must evidently have been expected from it, as being " in rank immediately next to a capital one. Loss of a hand, or a foot, is undoubtedly " a punishment of a very severe nature, as being not only a painful and dangerous ope- " ration, but at once depriving the body of a most useful limb, and stamping a mark " of indelible infamy upon it, and yet this is so little regarded, that *many an offender, on* " *apprehension, is found to have already forfeited a limb, and sometimes even two, to the laws.* " *Death,* the last, and in the general opinion of mankind, the greatest of all punishments, " fails here greatly of its intended effect. *Fortified by their strong religious prejudices and* " *notions of predestination, and not unfrequently elated with the idea of suffering as martyrs to* " *the cause, and amidst the prayers and applauses of their confederates, criminals in this* " *country meet death with indifference and composure.*"

Authentic relations of the transactions of Hindoo nations, and Hindoo individuals with each other, would constitute a very satisfactory kind of evidence in the illustration of their character. But of true history, they possess few records. The genius of the government, and the genius of the people, were alike unfavourable to that species of composition. Such accounts however as have reached us of their ancient wars, exhibit pictures of eminent cruelty and injustice.

No. 1.

View of the Morals of the Hindoos.

Of recent times, the public occurrences, in which Europeans have been parties or witnesses, are generally diffused through voluminous official writings, which if accessible could not be perspicuously contracted within one division of this limited work; and of private observation and experience, which might have furnished many curious and instructive collections, seldom has it been the practice to register accurate details. But happily one testimony presents itself, which unites with unquestionable authority, views of Hindoo character, in a country never under a Mahomedan power. This country is Nepaul, and the relation is given by Father Joseph, a Roman missionary of known respectability in Bengal, from whom it was communicated by Mr. (now Sir John) Shore, to the Asiatic Society*. Father Joseph was in Nepaul in the year 1769. Three chiefs of that region then contended for sovereignty, and some of their proceedings are described in the following extracts.

"The inhabitants of Certipore, receiving no support from the King of Lelit-Pattan, to whom "they were subject, applied for assistance to Gainprejas, who immediately marched with "his whole army to their relief, gave battle to the army of the King of Gorc'ha, and "obtained a complete victory. A brother of the King of Gorc'ha was killed on the field "of battle, and the King himself, by the assistance of good bearers, narrowly escaped with "his life by fleeing into the mountains. After the action, the inhabitants of Certipore "demanded Gainprejas for their King, and the nobles of the town went to confer with "him on the business; *but being all assembled in the same apartment with the King, they "were all surprised and seized by his people. After the seizure of those persons, Gainprejas, "perhaps to revenge himself of these nobles for having refused their concurrence to his "nomination as King* (upon a former occasion) *privately caused some of them to be put to "death; another, by name Danuvanta, was led through the city in a woman's dress, along "with several others, cloathed in a ridiculous and whimsical manner, at the expense of the "nobles of Lelit-Pattan.* They were then kept in close confinement for a long time; at "last, after making certain promises, and interesting all the principal men of the country "in their behalf, Gainprejas set them at liberty....."

"The King of Gorc'ha, despairing of his ability to get possession of the plain of Nepaul "by strength, *hoped to effect his purpose by causing a famine*; and with this design, stationed "troops at all the passes of the mountains, to prevent any intercourse with Nepaul: *and his "orders were most rigorously obeyed, for every person who was found in the road, with only "a little salt or cotton about him, was hung upon a tree; and he caused all the inhabitants of "a neighbouring village to be put to death in a most cruel manner; even the women and children did not escape for having supplied a little cotton to the inhabitants of Nepaul; and "when I arrived in that country at the beginning of* 1769, *it was a most horrid spectacle to "behold so many people hanging on trees in the road.* However the King of Gorc'ha, being "also disappointed in his expectations of gaining his end by this project, fomented dissensions among the nobles of the three kingdoms of Nepaul, and attached to his party many "of the principal ones, by holding forth to them liberal and enticing promises, for which "purpose he had about two thousand Brahmins in his service. . . . . ."

"The inhabitants of Certipore having already sustained six or seven months siege, a noble "of Lelit-Pattan, called Danuvanta, fled to the Gorc'ha party, and treacherously introduced their army into the town; the inhabitants might still have defended themselves, "having many other fortresses in the parts of the town to retreat to; but the people of "Gorc'ha having published a general amnesty, the inhabitants, greatly exhausted by the "fatigues of a long siege, *surrendered themselves prisoners upon the faith of that promise.* "In the mean time the men of Gorc'ha seized all the gates and fortresses within the town; "*but two days afterwards, Prit'hwinarayan, who was at Navacuta* (a long day's journey distant), *issued an order to Suruparatna, his brother, to put to death some of the principal inhabitants of the town, and to cut off the noses and lips of every one, even the infants, who were "not found in the arms of their mothers, ordering at the same time all the noses and lips which "had been cut off to be preserved, that he might ascertain how many souls there were, and to "change the name of the town into Naskatapur, which signifies the town of cut-noses. The "order was carried into execution with every mark of horror and cruelty, none escaping but "those who could play on wind-instruments*; although Father Michael Angelo, who without "knowing that such an inhuman scene was then exhibited, had gone to the house of Suruparatna, interceded much in favour of the poor inhabitants. Many of them put an end to "their lives in despair; others came in great bodies to us in search of medicines, and it "was most shocking to see so many living people with their teeth and noses resembling the "skulls of the deceased."

"During the siege of Cat'hmandu, the Brahmins of Gorc'ha came almost every night "into the city, to engage the chiefs of the people on the part of their King; and the more "effectually to impose upon poor Gainprejas, many of the principal Brahmins went to his "house, and told him to persevere with confidence, that the chiefs of the Gorc'ha army "were attached to his cause, and that even they themselves would deliver up their King, "Prit'hwinarayan, to his hands. Having by these artifices procured an opportunity of detaching from his party all his principal subjects, tempting them with liberal promises "according to their custom, one night the men of Gorc'ha entered the city without opposition, and the wretched Gainprejas, perceiving he was betrayed, had scarce time to escape "with about three hundred of his best and most faithful Hindostany troops, towards Lelit-Pattan, which place however he reached the same night."

"The

* Asiatic Researches, Vol. II. page 307.

" The King of Gorc'ha having made himself master of Cat'hmandu, in the year 1768, " persisted in the attempt of possessing himself also of the city of Lelit-Pattan, promising all " the nobles that he would suffer them to remain in the possession of their property, that he " would even augment it; and because the nobles of Lelit-Pattan placed *a** reliance on the " faith of his promises, he sent his domestic priest to make this protestation, That if he " failed to acquit himself of his promise, he should draw curses upon himself and his family, " even to the fifth, past, and succeeding generation: so that the unhappy Gainprejas, and " the King of Lelit-Pattan, seeing that the nobility were disposed to render themselves sub- " ject to the King of Gorc'ha, withdrew themselves with their people to the King of " B'hatgan. When the city of Lelit-Pattan became subject to the King of Gorc'ha, he con- " tinued for some time to treat the nobility with great attention, and proposed to appoint " a viceroy of the city from among them. Two or three months afterwards, having ap- " pointed the day for making his formal entrance into the city of Lelit-Pattan, *he made use* " *of innumerable stratagems to get into his possession the persons of the nobility, and in the end* " *succeeded.* He had prevailed upon them to permit their sons to remain at court, as com- " panions of his son; he had dispatched a noble of each house to Navacut, or New Fort, pre- " tending that the apprehensions he entertained of them had prevented his making a public " entrance into the city; *and the remaining nobles were seized at the river without the town,* " *where they went to meet him, agreeable to a prior engagement.* Afterwards he entered the " city, made a visit to the temple of Baghero, adjoining to our habitation, and passing in " triumph through the city amidst immense numbers of soldiers, who composed his train, " entered the royal palace which had been prepared for his reception; in the mean time, " parties of his soldiers broke open the houses of the nobility, seized all their effects, and " threw the inhabitants of the city into the utmost consternation. *After having caused all* " *the nobles who were in their power to be put to death, or rather their bodies to be mangled in* " *a horrid manner,* he departed with a design of besieging B'hatgan, and we obtained permis- " sion, through the interest of his son, to retire with all the Christians into the possessions " of the English."

A multitude of other quotations which might be made in illustration of the Hindoo character, both from modern publications and from authors of more ancient date, as Sir Thomas Rowe, Hamilton, Baldæus, Nieuhoff, Tavernier, and others, are for the sake of brevity omitted; but as it may be interesting to see the sentiments of so distinguished a character as Timour, or Tamerlane, upon the subject in question, these extracts shall be closed with a quotation from his Institutes, supposed to have been compiled *A. D.* 1400.

" The inhabitants of Hindostan are equally debilitated in their corporeal, and inert in their " mental faculties; inexorable and penurious to such an extreme, that only personal vio- " lence can enforce justice. Regardless of honour, and indecent in their dress, they sacrifice " their lives for trifles, and are indefatigable in unworthy pursuits; whilst improvident and " imprudent, their ideas are confined and views circumscribed. When reduced to poverty, " they patiently have recourse to the most menial employments, forgetting their previous cir- " cumstances, and seldom quitting the world without injuring their benefactors; but whilst " the acquisition of riches tempers every atrocity, indolence pervades their most momen- " tous transactions. The native of Hindostan has no pretensions to humanity but the figure; " whilst imposture, fraud, and deception, are by him considered as meritorious accomplish- " ments †."

Of the Mahomedans, who mix in considerable numbers with the former inhabitants of all the countries subdued by their arms in Hindostan, it is necessary also to say a few words. Originally of the Tartar race, proud, fierce, and lawless; attached also to their superstition, which cherished their native propensities, they were rendered by success yet more proud, sanguinary, sensual, and bigotted. Their government, though meliorated under the house of Timour, was undoubtedly a violent despotism, and the delegated administration of it too often a severe oppression. Breaking through all the restraints of morals which obstructed their way to power, they afterwards abandoned themselves to the most vicious indulgences, and the most atrocious cruelties. Perfidy in them, was more signal than in the Hindoos. Successive treacheries, assassinations, and usurpations, mark their history more perhaps than that of any other people. The profession of arms was studied by them, and they cultivated the Persian learning. They introduced Arabic laws, formed for rude and ignorant tribes, and in the administration of them, as may be judged from the specimen above exhibited, were most corrupt.

Every worldly profession, indeed every course of secular business, was in their avowed opinion (an opinion which they still hold) irreconcileable with strict virtue. Commerce, and the details of the finances, they left chiefly to the Hindoos, whom they despised and insulted. Where their government still prevails, the character resulting from their original temper and superstition, aggravated by the enjoyment of power, remains in force. In our provinces, where their authority is subverted, and where many of them fall into the lower lines of life, that character becomes less obvious; but with more knowledge, and more pre-

tensions

* So in the original; but it seems to be an error of the press, the sense requiring that it should be " *no* reliance."

† Mackay's Asiatic Miscellany, Vol. I. page 279. This picture may be compared with that which Sir John Shore, drawing likewise from the life, more than three hundred years afterwards, has delineated. If it be said, that these are the representations of conquerors and foreigners, it may be replied, that they are not opinions advanced in a state of hostility or controversy, but mature observations, made in a time of settled government, after many years' experience of the behaviour of the Hindoos to each other.

tensions to integrity, they are as unprincipled as the Hindoos. Their perfidy, however, and licentiousness, are the perfidy and licentiousness of a bolder people *.

View of the Morals of the Hindoos.

From the government and intermixture of the Mahomedans, the Hindoos have certainly derived no improvement of character. The invaders may fairly be supposed to have contributed their share to the general evils, and even to have increased them. But they did not produce those evils, nor could they have perpetuated them in opposition to the genius and spirit of the Hindoos, who are in number probably as eight to one. They may therefore be considered rather as constituting an accession, than as giving a character to the mass. The vices, however, of the Mahomedans and Hindoos are so homogenous, that in stating their effects, it is not inaccurate to speak of both classes under the description of the one collective body into which they are now formed.

Upon the whole, then, we cannot avoid recognizing in the people of Hindostan, a race of men lamentably degenerate and base, retaining but a feeble sense of moral obligation, yet obstinate in their disregard of what they know to be right, governed by malevolent and licentious passions, strongly exemplifying the effects produced on society by great and general corruption of manners, and sunk in misery by their vices †, in a country peculiarly calculated by its natural advantages to promote the happiness of its inhabitants. The delineation from which this conclusion is formed, has been a task so painful, that nothing except the consciousness of meaning to do good could have induced the author to proceed in it. He trusts he has an affecting sense of the general imperfection of human nature, and would abhor the idea of needlessly or contemptuously exposing the defects of any man or set of men. If he has given an unfavourable description, his wish is not to excite detestation, but to engage compassion, and to make it apparent, that what speculation may have ascribed to physical and unchangeable causes, springs from moral sources capable of correction.

CHAP. III.

Causes which have produced the present Situation and Character of the Hindoos.

Causes of the Situation and Character of the Hindoos.

IN investigating the peculiar characters of different nations, it is both usual and reasonable to ascribe them principally to the influence of climate, of government and laws, and of religion: it will be proper, therefore, to lay before the reader the situation of Hindostan with respect to each of those particulars, that he may be enabled to judge whether the wretched state of society and manners among the Hindoos, who, as has been already observed, have a general identity of character, may not fairly be traced to that source.

The climate of India, particularly of the south-east provinces, must be allowed to be less favourable to the human constitution than the more temperate regions of Europe. The bodily frame is less strong and hardy, the faculties have less energy, their exercise is less expanded and delightful, ardor is checked, the oppressed spirits yield more easily to indolence and indulgence, and the fertility of the soil easily supplying the few natural wants of the natives, aids this propensity. Nevertheless, in developing the causes of the Hindoo character, too much seems sometimes to have been imputed to the climate; effects greater, and of more necessary result, than fair examination will confirm.

The inhabitants of foreign descent, who continue the use of animal food, especially the Armenians, a sober people, are more robust than the Hindoos; and to speak of the Hindoos themselves, their military tribe has discovered, under foreign discipline, a considerable share of active vigour. The Banians, and all the trading part of the community, are capable of long sedentary application. Porters, boatmen, runners, and others of the labouring class, can endure severe fatigue. Multitudes of devotees manifest a resolution and perseverance in painful sufferings altogether astonishing. And with regard to the faculties of the mind, the Brahmins, who have cultivated learning, have certainly evinced themselves an acute, subtle, and penetrating order of men. These circumstances show, that the people in general are equal at least to decent application in different lines, susceptible even of a strong impulse, though not perhaps of great continued energy. And it is reasonable to believe, that were those evils corrected which do not arise from the climate, they would in time hold a much higher place among the human species, than they are now capable of maintaining.

The despotic mode of government which generally is prevalent in the East, and appears at all times to have subsisted among the Hindoos, has undoubtedly had a very considerable influence in the formation of their character. When a man finds himself dependent on the will and caprice of another, he thinks and acts as a degraded being; his regard for all that is valuable in life is reduced to the degree of personal interest which he has in it, his care for whatever extends to the rest of his race, and to future time, is sunk in the precariousness of the present hour. Fear necessarily becomes his grand principle of action; thence springs distrust; and as arbitrary power does not excite in those over whom it tyrannizes, the expectation of finding truth and justice its associates, it is not productive of integrity and veracity. The arts of deception, suppleness, and servility, are resorted to, and thus a system of falsehood and narrow selfishness is generated. Violence in the ruler quickens the process. The first idea raised is that of self-defence against him; then follow plans of concealed and avowed

* See the character of the Mahomedans, before alluded to, in Scrafton's Reflections, p. 19, et seq.

† Some persons may be disposed to inquire, how the frame of society has been preserved from dissolution among these people, if they are indeed so greatly and so generally depraved. To that question, an answer will be given in the course of the following chapter.

No. 1.

Mr. Grant's State of Society in Asia.

avowed hostility against his deputies and agents, from whom injury is apprehended. The despotic principle actuates all the subordinate offices and posts of authority, and its effects become general; every man is a slave to those above him, and a despot to those below him; the more he is oppressed, the more he oppresses; and thus is diffused a temper of universal enmity, acting secretly or openly according to opportunities. No wonder, therefore, that when the principle is highly strained, treasons and revolutions are continual; by which the insolent and abject frequently change places, so that he who yesterday scarcely deigned to look on the suppliant before him, is to-day spurned from the feet of that suppliant, now in his turn exalted to the seat of authority. Such, in particular, is the description that may be given of a large period of the Mahomedan government in Hindostan. The descendants of Timour, holding for a time the greater part of that continent under one head, prevented much of the war and bloodshed that had before, and have since wasted it; but internal disorders, under the best of their governors, were necessarily very great; and the character of the Hindoos, suffering from the oppression of numerous invaders, must in several respects have been debased.

But they did not receive the despotic form of government from the Tartars, nor were they degraded only when they became subject to Mahomedan conquerors. Had they not been an abject people before, foreigners from a vast distance, carrying few magazines with them, could not have possessed themselves of so great a country, rendered by its natural defences, its climate, and its periodical rains, very strong against invasions by land. They have had among themselves a complete despotism from the remotest antiquity; a despotism, the most remarkable for its power and duration that the world has ever seen. It has pervaded their government, their religion, and their laws. It has formed by its various ramifications, the essentials of the character which they have always had, as far as the light of history goes, and which they still possess; that character, which has made them a prey to every invader, indifferent to all their rulers, and easy in the change of them; as a people, void of public spirit, honour, attachment; and in society, base, dishonest, and faithless. That despotism, with a variety of subordinate principles to which it has given birth, still exists in great vigour, even where the political government is in foreign hands, and therefore although by acting the part of upright rulers towards our Hindoo subjects, and endeavouring to provide for a fair administration of justice among them, we shall repress many disorders that before prevailed, yet this reform will not reach those evils in their character and conduct, already described, which are the bane of their happiness, personal and social. Nor will it ensure to us their attachment, which, in point of policy, it would be desirable to engage by an amelioration of their character, instead of leaving their old facility in changing, to co-operate with their imbecility, in favour of any new invader.

The ancient Hindoo government is thought scarcely to exist now in its original form *. The Hindoo states raised from the ruins of the Mogul Empire, cannot well be taken as pure representations of it; at least we have but little certainty of possessing an entire model, and can therefore only refer to its fundamental principles, of which there is indisputable evidence. But their religion and their laws, both parts of one complex system, still remain; the former in all its authority, the latter also, in its essence and in many of its branches, operative: and these, by the principles on which they are founded, and by the rules and precepts which they deliver, have given birth to that spirit, and those practices of oppression, injustice, corruption, in a word, those immoralities which incomparably more than every other cause render the people base and miserable. To this position the most particular attention is requested. A full exhibition of all the proofs which might be brought in support of it, would require a much longer space than is necessarily prescribed to this treatise. Some leading facts and arguments however, sufficient, it is hoped, solidly to establish it, shall now be stated. They will be derived partly from the code of Hindoo laws, and partly from the tenets of the Hindoo religion. The code of laws was compiled and published in 1773, under the government of Mr. Hastings, and at his desire, by a body of "experienced lawyers, "selected for the purpose from every part of Bengal," who, we are further told, "carefully "picked out the ordinances, sentence by sentence, from various originals in the Shanscrit "language, neither adding to, nor diminishing from, any part of the ancient text †." And the translator adds, what is of importance to be observed, "that from this code may be "formed a precise idea of the customs and manners of these people; that their institutes "are interwoven with the religion of the country, and therefore revered as of the highest "authority." The authenticity of this work, and the value of the general evidence which it furnishes, must thence be unquestionable.

With regard to the religion of the Hindoos, although a regular translation of the Vedes, those writings which they repute as sacred, has not yet given us all their mythology, doctrines, rites, and ceremonies, in authoritative detail; yet the intercourse of three centuries between

* The government of Nepaul, of which less was known when this passage was written, is probably no inexact representation of the original Hindoo constitution. Of that country, which, as has been already observed, was never subdued by the Musslemans, our information was scanty before the late deputation thither of Captain Kirkpatrick from Bengal. That gentleman has given a curious and interesting account of his journey, which affords much light into the history of Nepaul. It would thence appear, that the form of the government, the state officers, civil and military, employed under it, and the sources of its revenue, are nearly the same in kind as are found to have been established in Hindostan under the rule of the Moguls; a strong presumption in favour of what we have ventured elsewhere to suppose, that these conquerors did not innovate greatly in the forms of administration in the Hindoo countries of which they possessed themselves. 1797.

† Preface to the Hindoo Code.

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between the Europeans and that people, the relations of various travellers in different parts of India, and their agreement as to the general matter and character, as well as many particulars of the Gentoo faith, the elucidating accounts of the Mahomedans, and the daily experience of multitudes of Europeans, leave us at no loss concerning the grand features, the main credenda and agenda of that superstition, its genius, and its consequences. Of late the public has had other accessions of information, stamped with great authority. We refer, in the first place, to the Institutes of the Emperor Akber, compiled by his learned and intelligennt minister Abul Fazil, about *A. D.* 1550, in the zenith of the Mogul power*; one volume of which work is employed solely upon the religion and sciences of the Hindoos, and professedly formed from the communications of the most learned Brahmins. We may rest assured, that such a man, employed in a work intended for a public record of the highest order, would obtain from that source much authentic information, and that the view given him of the Hindoo doctrines would be at least sufficiently favourable. Favourable, indeed, both in respect of those doctrines and the character of the people, that view will appear to have been, by comparing it with other authorities; and there are obvious reasons why the noble writer would naturally be disposed to acquiesce in it. It was the design of Akber, who was of a tolerant spirit, to conciliate all his subjects towards himself and towards each other; and in a work composed immediately under his inspection with this intention, and for public use, it could never be admissible to delineate at length the faults of the great body of those subjects.

The second recent acquisition, is the *Bhagvad-Geeta*, translated by Mr. Wilkins from a Shanscrit work, certainly of considerable antiquity. This is a very curious record. It is deemed to be so purified from the grosser parts of the Hindoo superstition, that it is carefully concealed by the Brahmins from the rest of the people; yet it has evidently been corrupted, in order to conciliate some tolerably just principles with a degenerate practice. Besides these publications, Sir William Jones †, a man wonderful for his stores of knowledge, and for the ardour with which he still presses forward to increase them, who penetrates into the abstruse recesses of oriental learning with singular felicity and success, has communicated much valuable information from his late researches. Arrived at length at the fountains of Shanscrit learning, he indeed appears to consider past discoveries as inaccurate or imperfect ‡; referring probably to the speculative and metaphysical doctrines contained in the Vedes, concerning which the Brahmins themselves have divers opinions and systems. But of the obvious and popular tenets of the Hindoo religion, its worship and ceremonies, enough is certainly known to enable us to judge of their nature and their effects.

In the following pages, the writer will rest the argument he maintains, on information already before the public, rather than on any new matter which his own observation, during his residence in India, might enable him to furnish. For though the shoots from the great trunk of Hindoo superstition are so numerous, and all partake of the same nature, yet the additional facts which a single individual, whose attention was not wholly devoted to the subject, could have an opportunity of ascertaining, must appear trifling, in comparison of the whole mass of knowledge collected by the industry of numbers, during a long course of time, and rendered more worthy of notice by ascending nearer the source of things. And where important deductions are to be made, as in the present case, he is far from wishing the premises from which they are drawn to rest upon his authority.

It is proposed, then, to proceed to the consideration of the Hindoo laws. But since it has appeared that both the Mahomedan and English conquerors of India have by legislative provisions of their own, in part superseded those which they found there, persons who reason from the changes which have relatively taken place in the social state and in the laws of every European nation, and from the mutual influence of laws and of manners upon each other, may naturally conceive, that rules which have been abrogated can no longer affect the character of the people; therefore that before any application is made of evidence deduced from the Hindoo laws, it ought to be shown what portion of those laws is still operative, and from that portion only to estimate the effect produced. It is the wish of the writer to allow to this objection all the weight to which it is entitled, and as far as he can, to afford the satisfaction which it requires.

To

* Translated from the Persian into English, by Francis Gladwin, Esq.

† Europe, and Asia, and the world, have since sustained an irreparable loss in the death of this most valuable man, who was cut off in the vigour of his days, and in the midst of new inquiries and discoveries, among the recondite repositories of Hindoo learning, into which he carried such a lamp of general knowledge, as threw surprising light on every subject he investigated. What he has done, however, will immortalize his memory. He has opened the way into the mythological and scientific arcana of a people, who have for many ages been as remarkable for their adherence to their peculiar institutions, as for arrogating to themselves an unfathomable antiquity, and the possession of a pure and primeval, though carefully concealed system of theology and science; claims which have been as officiously as ignorantly accorded to them by some anti-christian philosophers of Europe. He has shown that one of their earliest traces of true history describes an *universal deluge*, in which only *a patriarch*, and *seven* other men (to whom this account gives wives) were saved in an *ark*; and that the whole of their chronology is reconcileable with the Mosaic history.—See Asiatic Researches, Vol. II. Art. "Chronology of the Hindoos."——It is impossible on this occasion to avoid expressing a very high degree of respect and esteem for the learned and instructive labours of various other members of that distinguished society. Though the character of the Hindoos be in a moral view now low, yet the development of their history, their literature, their mythology, and science, has been a great desideratum in human knowledge, and must prove of eminent importance to mankind. 1797.

‡ Asiatic Researches, Vol. II.

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To give an exact enumeration of the Hindoo laws, and to distinguish those which may now be regarded as obsolete, would, if the task could be performed, require a detail inconsistent with the design of this essay. But no such digest has yet been made. The general lines of discrimination, however, are tolerably clear. The Mahomedans, as we have seen, introduced their own forms of judicature. In criminal matters, their code, severe and barbarous, like that of the Hindoos, was made the general rule of judgment. In civil concerns between Hindoos, these people had the benefit of their own laws. The English continued, as we have also seen, the legal establishments of their predecessors, improving them, and softening in some instances the cruelty of punishment. At present, therefore, the criminal law administered in Bengal, is that of the Mahomedans rendered in certain cases more mild and equitable. The civil code stands likewise upon the basis of their system, but has a larger infusion of English ordinances, and it refers causes between Hindoos to be decided by the laws of that people.

Those laws prescribe certain rules to the *sovereign*, which cannot of course be acted upon in our government, though the general influence of a governing power will still be felt: and on subjects of political economy, such as cultivation of the soil, revenue, and commerce, respecting which the Hindoo code is very defective, we have been obliged to enact new regulations.

On the whole, besides the Hindoo institutions purely religious, all those which relate to castes, to marriage, to inheritance, and to divers other civil concerns, remain still in force; excepting only that certain offences against caste, for which the code decrees capital or sanguinary punishments dreadfully severe, are not cognizable in our criminal courts; nor does our government countenance the infliction of those barbarities; and transgressions of the innumerable rules of caste being tried among themselves, are commonly punished by fines or excommunications. Still, however, the branches now particularized, of their system, are those which have the greatest influence in the formation of their character and manners; and it should be remembered, that the ways in which caste may be contaminated or lost, have been, in course of time, arbitrarily and exceedingly multiplied.

But in estimating the effect produced upon the Hindoos of our territories, even by that portion of their institutions which is in a proper sense legal, some other considerations must be taken into the account.

The Hindoo law stands upon the same authority as the Hindoo religion; both are parts of one system, which they believe to have been divinely revealed. That law is regarded by them therefore with a superstitious veneration, which institutions avowedly of human origin do not produce; so that even under a foreign yoke, which in various particulars superseded its injunctions, it still maintained its credit. Hence may be deduced, in part, the predilection of that people, especially of the leading orders, for their ancient state and peculiar customs, which in all the long period of Mahomedan rule, prevented them from being assimilated to the institutions of their conquerors.

Laws, which by tacit consent have fallen into general disuse, can no longer be quoted as characteristic of the actual state of manners. They serve rather to prove some change in the sentiments or dispositions of a people; but the abrogation or suspension, by the power of a foreign master, of certain parts of a code still approved, does not necessarily infer any such alteration. The Hindoos have generally, in their intercourse with each other, acted in the spirit of their own institutions. The landholders, for instance, many of them possessing extensive districts, have been to their obsequious dependents as petty sovereigns; causes originating in their vicinity have been very commonly referred to their decision, or even in parts more distant, to their deputies. Disputes are also frequently referred to the Brahmins. Matters of caste are solely cognizable by them, or by arbitrators of the tribe in which the contest breaks out, and form a source of endless litigation. If even increasing security and ease conciliate them more to our government, which is probable, they will still perhaps ascribe the change, not to the superiority of our system over their own, but to the superior personal conduct of the English, who preside over them. Their Mahomedan rulers, especially since the accession of the line of Timour, have partly from political, and partly from venal motives, paid considerable regard to their prejudices; and the English, both in the execution of the laws, and in the general exercise of their authority, have uniformly and spontaneously displayed a spirit of extreme toleration and indulgence to all their peculiar notions and usages.

It is to be remembered also, that our subjects form only a small part of the vast race of people who profess the Hindoo faith, and that with whole nations of these they live in immediate contact.

Nor, lastly, must it be overlooked, that the account which has been given of the Hindoos is a description of their character as it exists after a long suspension by their former rulers (a suspension continued by us) of some of the worst parts of their legal system.

If all these things then be considered, together with the influence of the congenial institutions, which are still authoritatively in force, perhaps we shall not see reason to suppose, that the innovations which we have made in the administration of law among the Hindoos, have produced, or are likely to produce, any material change in their character; but we may rather expect that this character will still bear the lively impress of the general spirit of their institutions, civil and sacred. To illustrate that spirit, is one object particularly proposed by the survey upon which we are now to enter of the Hindoo code.

Despotism is not only the principle of the government of Hindostan, but an original, fundamental, and irreversible principle in the very frame of society. The law, not contenting itself with enjoining passive obedience to the magistrate or sovereign, and with having a due regard to the inequalities in condition, and subordinations in rank, which arise from the

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constitution of the world, and are plainly agreeable to the will of the great Creator, rests entirely on the following fundamental position:—that certain classes or races of the society are in their elementary principles, in the matter from which they were formed, absolutely of a higher nature, of a superior order in the scale of being, to certain other classes. It is, in the opinion of the Hindoos, an awful and momentous truth, a truth maintained in full vigour to this day, a truth placed in the front of their code, that the Brahmins were formed from the mouth of Brimha, the Kheterees from his arm, the Vyse (or Bice) from his thigh, and the Sooders from his foot. Hence it is a necessary consequence, that this primeval and essential distinction is no more mutable or defeasible, than it is possible for one of the brute creation to advance itself to the rank of man *. And such is the division of the Hindoos into four great tribes or castes—the priests, the soldiers, the husbandmen or traders, and the servile class, whose sole assigned duty is to serve the other three †.

Now the evils that flow from such an arrangement, are infinite. Other modes of despotism lead in their very excess and abuse to a remedy, but here the chain of servitude is indissoluble and eternal. Though the highest orders be guilty of the most flagitious wickedness, pervert the use of power, become weak, arrogant and oppressive, the frame of society can suffer no change; that order must still continue in the enjoyment and exercise of all its vast privileges and prerogatives.

The lowest rank, on the contrary, is doomed to perpetual abasement and unlimited subjection. It has no relief against the most oppressive and insulting tyranny, no hope of ever escaping from its sufferings. Though permitted indeed to employ its industry, the greatest success can never in the slightest degree rescue it from inherent dishonour; and if the genius of a Newton should arise in that class, it could have no room to expand, nor if it had, could all its excellence deliver its possessor from the obligation of administering to the most ignorant and vicious of the Brahmins.

One of the heaviest grievances attending this state of degradation, is, that it discourages all liberal exertions, and consigns those who are destined to it, to ignorance, mean opinions of themselves, and consequent meanness of manners, sentiment, and conduct. Lest however, through the medium of learning, they should have a chance of emerging from this low and confined state, the Brahmins (by an ordinance of the Vedes, which through their imposture have the credit of proceeding from a divine origin, and of containing all valuable science) have forbidden them, on pain of death, to read the sacred books.

Now as this fourth tribe would naturally comprehend, at the very first, more than a fourth part of the people, and as the offspring of every subsequent, irregular commixture of the four original tribes, and all the descendants of that mixed race, fall by the law still lower than the fourth class, we may conclude that a large portion of the people is thus held down to earth. The evils inherent in this sort of distinction, (widely different it will easily be seen from mere gradation in society, because here essential superiority is entailed upon some classes, and essential inferiority upon others, for all generations,) extend in their degree to each of the intermediate classes, and the lowest feels the accumulated weight of general superiority. Those nearer the summit, become a cement to this system, which by allotting to them certain prerogatives, disposes them the more easily to acquiesce in it, and to support it.

Nothing is more plain, than that this whole fabric is the work of a crafty and imperious priesthood, who feigned a divine revelation and appointment, to invest their own order, in perpetuity, with the most absolute empire over the civil state of the Hindoos, as well as over their minds. It is true, that they assigned the reins of political government to another order, the Kheterees; but they still maintained in full exercise the indefeasible superiority of their own rank, they prescribed the rules of administration, they were the privileged advisers of the *Magistrate*, (as the sovereign, or ruler, is termed in the code,) they rendered themselves necessary to the man invested with that dignity, in his personal, as well as official capacity; and in the preliminary discourse to the code, we are told of a king, whom on his obstinate disregard of some ordinances of the Vedes, and of the counsel given by the Brahmins, they put to death. That "this resignation of the secular and executive power "into the hands of another caste, is a striking instance of the moderation of the Brahminical "order," cannot then be conceded to the translator of the code, for they secured to themselves all the power of the empire, but transferred the danger and trouble attendant on it to their

* "The Brahmins, indisputably persuaded that "the superiority of their tribe is interwoven with "the very essence of their nature, esteem that "to be a full and satisfactory plea for every ad-"vantage settled on them above the rest of the "people." *Preface to the Code*, page 52.

† It is worthy of remark, that according to a tradition in Nepaul, reported by Captain Kirkpatrick in the ingenious work before-mentioned, Pusso-Pusp-Deo, a Rajah of that country, is said to have first divided the general mass of his people into the four grand and well known tribes of the present day. The chronological series of Nepaul princes, which Captain Kirkpatrick has been able to exhibit, and which, as he well observes, assigns to many of the reigns an extravagant duration, (making on the whole an average of more than forty years,) would give to Pusso-Pusp-Deo an antiquity of about three thousand years. Be that as it may, it is evident, that a tradition subsisting in Nepaul makes the first institution of castes an human appointment. A small secluded valley like Nepaul, environed on all sides with hills, is very likely to have been an early, if not an original seat of such an institution; and there are at least strong reasons for believing, that the Brahminical religion had not its first rise in the southern parts of Hindostan, if at all in that region.

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their inferiors; they retained all the advantages of secular pre-eminence, and divested themselves of all responsibility *.

To show how the singular species of despotism here described, pervades the legal system of the Hindoos, and to exhibit specimens of different laws, various passages from the code shall now be produced. Since it has, we trust, appeared, that the still remaining influence of that system is not to be ascribed solely to those parts of it which are sanctioned by British authority, we shall be justified in extending our view, and our selection, beyond them. And it will be recollected, on the other hand, that those parts include the laws which relate to the grand concerns of inheritance, marriage, and caste, besides others of inferior import; the severity only of some of the Hindoo punishments being discountenanced by our administration of criminal law. To one or other of those branches, the greater part of the ordinances now to be quoted, will be found to appertain; and for the introduction of others which do not belong to them, particular reasons, in addition to the general one already urged, will appear.

The specimens of laws to be adduced here, shall be arranged under the following heads:

First, Of those which determine some of the prerogatives, or duties, of the Chief Magistrate or Ruler.

Second, Of those which establish distinctions in favour of the superior castes.

Third, Of those which, without reference to castes, give a direct sanction to immoralities.

Fourth, Of those which, without reference to castes, go upon principles of oppression and injustice.

Fifth, Of those which, without reference to castes, discover a spirit of cruelty.

First then, Specimens of Laws which establish some of the Prerogatives and Duties of the Chief Magistrate or Ruler.

Although no Hindoo can now exercise this office in our Eastern territories, these passages, few in number, are produced to show the arbitrary power with which the law invests the sovereign, and the abject submission which it imposes on his subjects. It may be remarked, that

* As some persons* appear disposed to think the institution of castes, and their separation by impassable barriers, the effect of profound political wisdom, it may be well for them to consider, whether it be possible to reconcile with the idea of true wisdom, that which derives both its origin and support from fraud and imposture; whether fraud and imposture can finally produce the fruits of truth and justice; and how far the supposed object of such policy, namely the good of society, is in fact fairly and solidly obtained by it. The subjection of one part to another is indeed secured; but is it good for the part so subjected, (infinitely the larger part of the whole,) and its numerous posterity, through all the successions of time, to be placed in bondage to the other? It seems difficult to maintain such an assertion by arguments which will not also recommend, both in a personal and social view, the ancient system of slavery. That such a mechanical construction of society is not favourable to the external interests of a body politic, may be easily discerned; for what public principle can exist in a state, where the greatest part of the people are totally and for ever excluded, under the highest penalties, from taking any concern in public affairs. Some who have considered this subject philosophically, seem to rest the defence of such an arbitrary arrangement, upon a sentiment supposed to pervade the different classes, of the inviolability of each others rights†. Had a sentiment of that nature influenced them, the rights remained very unequal; but the truth is, that the same consequences follow which must ever be expected from unlimited power,—pride and tyranny on one side, abject servility and suffering on the other. And were it certain, as the translator of the code has intimated, "that long usage has persuaded the people of the *equity* of their distinctions‡," this would be an additional proof of their minds and judgments being debased. Nothing is better known, than that the Brahminical tribe are pre-eminent in those atrocities which disturb the peace of society; and this is but one branch of the mischiefs generated by such a system.

The subdivisions of the four original castes, arising from difference of professions, and a variety of separating distinctions, are now so many, the ways of contamination, (and therefore of purification,) so multiplied; stains or expulsions, on the one side, so terrible, and to those, on the other, who thereby succeed to property, so advantageous, that the subject of caste is a prodigious source of wrangling, animosity, litigation, loss of time, of property and of peace, among the people, and of influence and emolument to the Brahmins, who are the arbiters in all these matters.

When these consequences are considered, together with that which must inevitably have been expected from the beginning, namely, the irregular commerce of the tribes, the political sagacity of the legislators of the Hindoos seems not entitled to great praise, since to every public benefit which they could propose from their system, the preservation of its simplicity appears to have been essential. And although a celebrated name§ regards the institution of castes as a mark of considerably advanced society, there seems more probability in referring it to one of the earlier stages, in which there would indeed be priests, soldiers, and husbandmen, labouring and domestic servants, but the community would be small; and in such a community, an ordinance, apparently simple, fixing the several members and their families in the professions which they already exercised, might more easily be adopted and enforced. Had an ordinance of that nature been promulgated after the society was become numerous, and intermarriages, (not before prohibited), between persons of different professions, and between their descendants, had taken place; and when occupations had been multiplied, and various gradations already established, the difficulty of carrying it permanently *into* execution, would apparently have been insuperable.

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* See Dr. Robertson's Ancient India.

‡ Preface to the Code, page 11.

† Ditto - - - - - - - - page 264.

§ See Dr. Robertson's Ancient India.

that our tributary zemindars in the Carnatic, and even the great landholders in Bengal, have still retained some resemblance of this lordly authority over their people.

SOME of his PREROGATIVES.

Code, page 110.—"He is not to be considered as *a mere man*, but as *a Dewtah*" (a subordinate deity, of whom they actually worship numbers.

269.—"If in any place where the Magistrate is playing at tables, or any such game, in "that case if any person, without permission of the Magistrate, interposes with his hand, "or by speaking, *the Magistrate shall put him to death.*"

270.—"If a man complains causelessly against the Magistrate's counsellor, *the Magistrate "shall put him to death.*"

"If a man performs any business or service for the Magistrate's accuser, *the "Magistrate shall put him to death.*"

"Men who vilify the Magistrate, men of *innate bad principles*, or men who without "reason, cause any internal uneasiness to others (*of all which the Magistrate himself must be the judge*), the Magistrate shall banish all such the kingdom."

188.—"If a man speak reproachfully of any upright Magistrate, the Magistrate shall "cut out his tongue; or having confiscated all his effects, shall banish him the kingdom."

189.—If a Magistrate, *for his own good*, has passed any resolutions, whoever refuses to "submit to such resolutions, the Magistrate shall cut out the person's tongue*."

207.—"If a man beat or ill-use a Magistrate *who commits a crime*, whatever it be, the "crime of murdering a hundred Brahmins shall be imputed to him; he shall have an "iron spit run through him, and be roasted with fire."

Note.—This contains an exception in favour of Brahmins, for *which see the next head.*

SOME of his DUTIES.

Code, page 91.—"A Magistrate *must have near him a learned Brahmin.*"

92.—"The Magistrate is required to maintain *not less than ten Brahmins of learning "and worth*, to give them money, and every token of respect and consideration in the "judgment seat."

113.—"*In all cases*, he shall spare and *excuse the Brahmins.*"

116.—"He shall give much effects and money to the Brahmins of a conquered "country."

"And erect a stately building for them."

118.—"He shall keep magicians *who can cure by spells.*"

"He shall keep a great number of buffoons, or parasites, jesters, and dancers."

119.—"If he resume a religious endowment, he shall remain in hell a thousand years."

SECOND, Specimens of Laws, which establish Distinctions in favour of the Brahmins and the other Superior Castes.

First, concerning AUTHORITY.

Code, page 117.—"The other three orders shall be obedient to the Brahmins†."

282.—Whatever

* In the Institutes of Menu, a work of great antiquity and curiosity, translated by Sir William Jones, since this tract was written, is the following description of the formation and dignity of the king:

"Since a king was composed of particles drawn "from those chief guardian deities, he consequently surpasses all mortals in glory.

"Like the sun, he burns eyes and hearts; nor "can any human creature on earth even gaze on "him."

"He is fire and air; he, both sun and moon; "he, the god of criminal justice; he, the genius "of wealth; he, the regent of waters; he, the lord "of the firmanent. A king, even though a child, "must not be treated lightly, from an idea that he "is a mere mortal; no, he is a powerful divinity, "who appears in human shape.—*Institutes of Menu*, page 159.

† The following passages in the Institutes of Menu are remarkable:

"Let not a king, though in the greatest distress "for money, provoke Brahmins to anger by taking "their property; for they, once enraged, could, "immediately, by sacrifices and imprecations, destroy him and his troops, elephants, horses and "cars."

"Who, without perishing, could provoke those "holy men, by whom, that is, by whose ancestors, under Brahmá, the all-devouring fire was "created, the sea with waters not drinkable, and "the moon with its wane and increase?"

"What prince could gain wealth by oppressing "those, who if angry could frame other worlds "and regents of worlds, could give being to new "gods and mortals?"

"What man, desirous of life, would injure "those, by the aid of whom, that is, by whose "oblations, worlds, and gods perpetually subsist; those who are rich in the learning of the "Veda?"

"A Brahmin, whether learned or ignorant, *is "a powerful divinity*, even as fire is a powerful "divinity, whether consecrated or popular."

"Thus, although Brahmins employ themselves "in all sorts of mean occupations, they must invariably be honoured, for they are something "*transcendently divine.*"

"Of a military man who raises his arm violently on all occasions against the priestly class, "the priest himself shall be the chastiser, since "the soldier originally proceeded from the "Brahmin."

"A priest who well knows the law, needs not "complain to the king of any grievous injury; "since even by his own power, he may chastise "those who injure him."

"His own power, which depends on himself "alone, is mightier than the royal power, which "depends on other men; by his own might therefore, may a Brahmin coerce his foes."

"He may use, without hesitation, the powerful charms revealed to At'harvan, and by him to "Angurar; for speech is the weapon of a Brahmin, "with that he may destroy his oppressors."—*Institutes*, pages 285. 286. 311.

282.—" Whatever ordinances Pundits, (who are Brahmins,) deliver to the Ryots, (the body of the people,) from the Shaster, (the great body of their ordinances, civil and religious,) the Ryots (who cannot and dare not read the Shaster,) *are bound to obey.*"

" A Pundit, not delivering the sentiments of the Shaster, to be fined two hundred " and fifty puns of cowries," (about four or five rupees, or ten shillings.)

261.—" If a Sooder reads the Vedes to either of the other three castes, or *listens to* " *them, heated oil, wax, and melted tin, shall be poured into his ears, and the orifice* " *stopped up.*"

" If a Sooder gets by heart the Vedes, *he shall be put to death.*"

" If he always performs the jugg, (one of their modes of worship, in which the Brahmin officiates,) he shall suffer death, or be fined two hundred ashruffees," (about £. 300.)

Second, Concerning RESPECT.

Code, page 261.—If a man of inferior caste, proudly affecting equality with a superior, " shall travel by his side on the road, he shall be fined equal to his abilities."

" If a Sooder sits on the carpet of a Brahmin, the Magistrate, having thrust a hot " iron into his buttock, and branded him, shall banish him the kingdom, or else shall cut " off his buttock."

Note.—The shadow of a Chandal, one of those degraded below the fourth caste, passing over victuals, milk, or even water, defiles it. Ten thousand other ways of being polluted by the lower ranks, mark their vileness *.

275.—" Brahmins waiting upon great men, shall have free entrance."

" Being passengers in a boat, shall pay no fare, and have precedence."

" And shall pay for goods in a boat, no freight."

Third, Concerning CRIMES,—as ASSAULTS, &c.

Code, page 206. 283—" No crime whatever, nor any number of crimes, shall forfeit the " life of a Brahmin: *he shall not be put to death on any account whatever.*"

" No crime in the world is so great as that of murdering a Brahmin; the Magis- " trates shall never desire his life, nor cut off his limbs."

284.—" A Brahmin murdering a Brahmin, or committing incest, shall be punished only " with ignominious branding."

206.—" If a man deprive another of life, the Magistrate shall deprive that person of life, " except he be a Brahmin; *he* shall be fined a hundred gold mohurs," (about £. 150.)

207.—" For beating or ill-using a Magistrate, *who commits a crime,* (which the first head rates as the crime of murdering a hundred Brahmins,) a Brahmin shall only be fined a " hundred ashruffees," (about £. 150.)

209.—" If a man sets fire to another person's house, with intent to destroy him; or causes " him to take poison; or is desirous to murder him with a sword; or carries away that " person's wife from his house, and keeps her himself; or plunders all that person's effects, " or his tillage; in that case, if the latter deprives the former of life, he shall not be " amenable. *But he shall not kill either a cow or a Brahmin,*" (consequently a Brahmin may do all this for a fine †.)

206.—" With whatever limb a man strikes a Brahmin, *that limb shall be cut off.*"

" If a Sooder strikes either of the other three classes, *it shall be so done to him.*"

208.—" If a Sooder spit on a Brahmin, his lips, &c. shall be cut off."

" If a Sooder plucks a Brahmin by the hair, &c. both his hands shall be cut off."

" If a Sooder gives much and frequent molestation to a Brahmin, *he shall be put to* " *death.*"

CRIMES continued—ADULTERY.

Code, page 242.—" A Sooder, Bice, or Kheteree, guilty with a woman *of the Brahmin* " *caste, who has a master,* (that is a husband or keeper,) shall suffer death by mutilation and " burning."

" A Sooder, guilty with a Chandal woman, (one of a degraded tribe,) shall suffer " death.

" A Bice or Kheteree, guilty with a woman of inferior caste, to be fined *five* " *hundred* or *one thousand* puns of cowries," (from eight to sixteen rupees, sixteen to thirty-two shillings.)

" A Brahmin,

* " The abode of a Chandal and a Swapaca " must be out of the town; they must not have " the use of entire vessels; their sole wealth must " be dogs and asses. Their clothes must be the " mantles of the deceased; their dishes for food, " broken pots; their ornaments, rusty iron; con- " tinually must they roam from place to place."

" Let no man who regards his duty, religious " and civil, hold any intercourse with them; let " their transactions be confined to themselves, and " their marriages only between equals."

" Let food be given to them in potsherds, but " not by the hands of the giver; and let them not " walk by night in cities or towns."

" By day they may walk about for the purpose " of work, distinguished by the king's badges; " and they shall carry out the corpse of every one " who dies without kindred: such is the fixed " rule."

" They shall always kill those who are to be " slain by the sentence of the law, and by the royal " warrant; and let them take the clothes of the " slain, their beds, and their ornaments."

Institutes of Menu, page 295.

† The Institutes of Menu however, appear to permit to a man who cannot otherwise escape, the slaying of a Brahmin, who assails him with an intent to murder. Page 234.

" A Brahmin, guilty with a woman of any of the castes, *who has a master*, to be " fined *five hundred* or *one thousand* puns of cowries (*eight* to *sixteen* rupees.) He is not in " any case of adultery, to be deprived of life."

243.—" A woman, guilty with one of the inferior caste, to be eaten by dogs, or burnt " with faggots."

" A woman of equal or inferior caste, guilty, *shall not be liable to punishment*, only " she shall perform the ceremony of expiation."

244.—" If a man commits adultery with an unmarried girl *of inferior caste, by her con-* " *sent*, he shall not be deemed guilty. If it was done *by violence*, the Magistrate shall take " a small fine from him."

248.—" For crimes beyond this class, and beyond the line of the human species, the " superior castes are taxed in a fine of *five hundred* puns of cowries (about *eight* rupees); the " *Sooder only*, doomed to death."

Crimes continued—Stealing.

Code, page 220.—" If a man steals any man of superior caste, *he shall be burnt with fire*, " by having a particular species of grass bound round his body. If he steal a woman, he " shall have that grass bound round his body, *be stretched out on a hot plate of iron, and* " *burnt in the fire.*"

" If a man steals a man or woman of middling caste, the Magistrate shall cut off " both his hands and feet, and cast him out upon a highway where four roads meet."

" If any person *steals a man of inferior caste*, he shall be fined *one thousand* puns of " cowries," (about *sixteen* rupees or *thirty-two* shillings.)

" If he steals a woman of inferior caste, all his property shall be confiscated."

" If a man, in time of war, steals a horse, or an elephant, the Magistrate *shall* " *deprive him of life.*"

" If he steals either of these animals in time of peace, the Magistrate shall cut off " from him one hand and one foot." (Compare this article with the preceding one concerning stealing a Sooder.)

" If a man steals an elephant or a horse, excellent in all respects, the Magistrate " shall cut off his hand, and foot, and buttock, and *deprive him of life.*"

221.—" If a man steals a small animal, the Magistrate shall cut off *half his foot.*"

224.—" If a man steals flowers for dying, &c. the Magistrate shall cause the article to be " returned, and *take a coin of gold as a fine.*"

225.—" If a man steals flowers, or fruit, or wood, or grass, *belonging to a Brahmin*, the " Magistrate shall cut off his hand."

226.—" If a Brahmin who every day performs the jugg, commits a robbery that deserves " death, the Magistrate shall cut off the hair of his head."

Concerning the Scale of Punishment, for scandalous or bitter Expressions, which species of offence will be further explained under a subsequent article, (Page 42.)

	Puns Cowries.
Code, page 182.—" A man of equal caste *and equal abilities* with the accused, " shall be fined, - - - - - - - - - - - - - -	1,000
(about sixteen rupees, less than £. 2.)	
" A man of inferior caste and *inferior abilities*, - - - - - -	2,000
" A man of superior caste and *superior abilities*, - - - - - -	500
" An equal in caste and abilities, accusing another of one of the crimes in " anoo patuk, (the third class of this offence) - - - - - - - -	100
" An *inferior in caste and abilities*, ditto, - - - - - - -	200
" A *superior in caste and abilities*, ditto, - - - - - - -	50
(about *one* rupee.)	

183.—" A Sooder, accusing one of a superior caste of any of the crimes of the three first " classes, (which will be hereafter described,) shall have his *tongue cut out, and a hot iron* " *of ten fingers breadth thrust into his mouth.*" This article may be compared with the one immediately preceding. The Sooder forfeits his tongue, and in effect his life, for committing against a superior that offence, which, if a superior commit it against him, costs only half a crown; a fine so trifling, whilst the penalty of retorting on the other side is so dreadful, as rather to encourage than prevent this species of wrong in the upper ranks.

Concerning Civil Affairs.

As to interest of money, the proportion of rates payable by the different classes, shall be introduced for the sake of illustrating the spirit of the code.

Code, page 2.—" Where a Brahmin pays per month 1 per cent.
" A Kheteree shall pay - - - - - 1½
" A Bice (or Vyse) - - - - - - 2
" A Sooder - - - - - - - - - 5
" And so in proportion whatever the rate is*."

Payment

* The English government in Bengal has now ordained twelve per cent. per annum, to be the general legal maximum of interest, without distinction of castes or nations. Wealthy natives, however, probably still favour borrowers of the higher castes.

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PAYMENT of DEBTS.

Code, page 21.—" If a very rich man, of *weak understanding* and of *a very mean tribe*, " from a principle of fraud and obstinacy refuses to pay his debts, the Magistrate shall " oblige him to discharge the money claimed, and *fine him double the sum.*"

22.—" If a very rich man, of *an excellent education and of a superior caste*, from a prin- " ciple of fraud and obstinacy refuses to pay his debts, and the creditor commences a suit " against him, the Magistrate shall cause the money in dispute to be paid, and shall *fine* " *the debtor one-twentieth* of the sum recovered."

As to TAXES on BUYING and SELLING.

Code, page 258.—" On all sales. Inland purchase and sale 10 per cent.
" Foreign - 5 per cent on the profit.
" A Brahmin, learned in the Vedes, *shall pay no tax on sales.*"

As to FINDING THINGS.

Code, page 256.—" A man finding *his own*, long lost, is *to inform the Magistrate*, who is " *to take from him*,
" If he be a needy unlearned person, *one sixth*;
" If a man of science, - - - - *one-half**."

256.—" A learned Brahmin finding any thing, the property of a stranger who is unknown, " *takes the whole*; an unlearned Brahmin takes five-sixths, and gives one-sixth to the " Magistrate."

" A Kheteree is to give to the Magistrate one-fourth, and the Brahmins one-fourth."

" A Vyse is to give the Magistrate one-fourth, and the Brahmins one-half."

" A Sooder finding any thing, divides to the
" Magistrate, five-twelfths;
" Brahmins, five-twelfths;
" Himself, - two-twelfths."

" A Magistrate finding any thing, shall give one-half to the Brahmins, and keep the " other half himself."

As to GIFTS, and SUCCESSION to the PROPERTY of BRAHMINS.

Code, page 26.—" A woman *may give to the Brahmins* any part of her husband's effects " *to procure his future happiness:* if she gives the whole, *the gift is approved*, but *she* is " blameable."

" A gift proposed to be given to a Brahmin, if afterwards withheld, shall be enforced by " the Magistrate with interest."

33.—" The property of Brahmins, *must always descend to Brahmins.*"

46.—" So must the property of Brahmins' wives."

128.—" On failure of heirs to one of the three lower castes, the Magistrate may appro- " priate the property to himself."

" But if a Brahmin has no heir, his property shall pass to other Brahmins; and if there " are no Brahmins, the Magistrate shall cause it to be thrown into the water†."

As to SLAVERY.

Code, page 143.—" Slaves are made of the three castes of Kheteree, Vyse, and Sooder.
" A Brahmin can never be a slave."

" A man of superior caste, if he is upright and steady in the principles of that caste, can " never be the slave of a man of inferior caste."

144.—" If a Brahmin has purchased a Sooder, or even *if he hath not purchased him, he* " *may cause him to perform service.*"

These instances may suffice to illustrate the *nature of the distinctions* which obtain among the different castes. They extend indeed to all the concerns of life; and the laws regulating them are diffused throughout the code, make up a great part of it, and seem in reality to be its main business.

THIRD, Of those Laws, which without reference to Caste, give a direct Sanction to Immorality.

Concerning EVIDENCE, PROMISES, and FALSE PRETENCES.

Code, page 115.—" Wherever a true evidence would deprive a man of his life, in that " case, if a false testimony would be the preservation of his life, *it is allowable to give such* " *testimony*; and for absolution of the guilt of false witness, he shall perform the *Poojah* " *Sershuttee* (worship to Sershuttee, the Goddess of Letters): but to him who has mur- " dered

* So it is in the code, and the proportion in this instance seems to contradict the main principle of the law; but the striking point of comparison is, that a Brahmin, finding *what belongs to a stranger*, keeps the whole, or five-sixths of it; and another person finding *his own*, is obliged to give up a part of it.

† " Should the king be near his end, through " some incurable disease, he must bestow on the " priest all his riches accumulated from legal " fines."

Institutes of Menu, page 286.

" dered a Brahmin, or slain a cow, or who being of the Brahmin tribe has drunken wine, or " has committed any of these particularly flagrant offences, it is not allowed to give false " witness in preservation of life."

" *If a marriage for any person may be obtained by false witness, such falsehood may be told*; " as upon the day of celebrating the marriage, if it is liable to be incomplete for want of " giving certain articles, at that time, *if three or four falsehoods are asserted*, it does not sig- " nify; or if a man promise to give his daughter many ornaments, and is not able to give " them, *such falsehoods as these*, if told to promote a marriage, are allowable."

" If a man, *by the impulse of lust*, tells lies to a woman; or if his own life would other- " wise be lost; or if *it is for the benefit of a Brahmin; in such affairs falsehood is allowable.*"

136.—" If a man says to another, I will give you something if you are able to apprehend " a thief or a murderer, or such kind of criminals, then even if the other should apprehend " and bring such a person, nothing shall be bestowed on that account. If any thing had " been given before the business, it may be taken back."

19, 20.—" A creditor is repeatedly directed, by *feigned* and by *evasive* pretences, to get " hold of some of the debtor's goods."

Introd. to the Code, page 114.—" The Magistrate is directed to send to the party in hos- " tility against him a man of intelligence, and well skilled in artifice, to insinuate himself " among the enemy's men, and make them dissatisfied with each other, that they may " quarrel and fight among themselves, and so be ruined."

It will be remembered, that the two last articles are not supposed to describe merely the practice or the counsel of sinister human policy, but to be, like the rest, the dictates of a divinity.

Mode of Sharing among Robbers.

Code, page 129.—" The mode of shares among robbers is this: If any thieves by the " command of the Magistrate, and with his assistance, have committed depredations upon, " and brought any booty from another province, the Magistrate shall receive a share of one- " sixth of the whole; if they received no command or assistance from the Magistrate, they " shall give the Magistrate, in that case, one-tenth for his share; and of the remainder their " chief shall receive four shares, and whosoever among them is perfect master of his occu- " pation, shall receive three shares; also whichever of them is remarkably strong or stout, " shall receive two shares, and the rest shall receive one share. If any of the community " of the thieves happen to be taken, and should be released from the Cutchery Court upon " payment of a sum of money, all the thieves shall make good that sum by equal shares."

This is, in every view, a curious characteristic article. The translator of the code maintains, that it "by no means respects the domestic disturbers of the tranquillity of their " country, or violators of the first principles of society, but only such bold and hardy adven- " turers as sally forth to levy contributions in a foreign province." It were to be wished the article itself had spoken as definitely; but suppose it to be thus understood. In the first place then, it sets before us, not an open military expedition, but a thieving, robbing excursion; for the actors are "robbers, thieves, by profession," they are recognized to be of a " community of thieves," to be amenable for the depredations they have committed to the civil court, and if taken, liable to punishment.

2d.—The Magistrate directs and assists these robbers and thieves to plunder in another province. It is a clandestine operation, and his concern in it must therefore be clandestine. Booty is the professed object, and he shares it with them.

3d.—As this regulation authorizes the procuring of a release from the court which may have seized any of these offenders, by the payment of a sum of money, it sanctions the concurrence of a Magistrate in such a transaction, which has strongly the complexion of being a private corrupt bargain between the judge of that court and the culprit; but whether the ransom be a secret bribe, or a more open commutation for punishment, the principles of justice are violated, the Magistrate becomes a party in a complicated outrage against society, and is in fact countenanced by this ordinance in being indulgent, in his turn, to criminals who may come into his power, for a pecuniary consideration.

4th.—But it may be asked, how this "community of thieves," some " perfect masters of " their occupation," are formed and brought to such a state of perfection in their vocation? —Can we conceive it to be solely by the exercise of their parts in alien lands? Born, educated, and dwelling in the Magistrate's district, is it to be supposed that they never practise at home? Yet the Magistrate harbours these *banditti*, he knows them personally, and he sets them at work.

If the translator's apology be admitted, that this is an ancient law, correspondent to the early manners of other nations, still it is to be remembered, that it stands in a code which claims to be divine, that therefore an equal authority is necessary to its repeal, and that it is offered to us as a law of the Hindoos at this day.

But what are we to understand by "another province?" If it means another state, Hindostan consisted anciently, as it does now, of many states. This law was made for the whole Hindoo people; therefore it authorizes and encourages them to rob and plunder each other. It recognizes a community of thieves and robbers in each state, and makes it lawful for them to live by depredations on their neighbours. Such accordingly has been the practice of at least smaller divisions, in all time past. The zemindars, throughout Hindostan, keep robbers and thieves under their protection; and whatever else has changed, the business of pillage, often attended with murder, still continues universally and systematically. Can it be doubted whether this ordinance has not had a most powerful effect in establishing and

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fortifying a practice so ruinous to the peace and good order of society? Must we not believe that robbers, finding their professions evidently recognized and sanctioned by the law, have thence with a quiet conscience formed themselves into castes and bands, and that it is the persuasion of acting upon the divine authority of the Shaster, which inspires them with contempt of death, and perseverance, from one generation to another? Can we suppose that our prohibition, and our punishment of predatory outrage, will in minds *prone* to them, destroy that persuasion? But the ordinance under consideration can hardly apply to any other than small divisions of territory; and if we were certain that "province" means the territory of another master, yet no fact is more notorious than that the bands of robbers whom the zemindars of Bengal are known to entertain, employ themselves within that country; for its "domestic tranquillity is disturbed by them" perpetually from one end to the other, as the extract before quoted from Lord Cornwallis has evinced, and a variety of other vouchers might be produced, if necessary, to prove.

We see then a most glaring instance in this ordinance, of immorality in principle, and of the consequent wide diffusion of evil in practice.

To proceed to further examples.

SERVANTS committing Crimes by order of their MASTERS.—Divers Cases of Licentiousness.

Code, page 149.—"If a servant, at the command of his master, *commits theft or murder*, or "any such crimes, in that case, *it is not the fault of the servant, the master only is guilty.*"

239.—"Adultery with common prostitutes and dancing girls, *shall not be finable.*"

247.—"Several kinds of adultery allowed, *with consent of the Magistrate*, for the trifling "fine of ten puns of cowries," (less than a shilling.)

"If a man by violence commits adultery on his own slave girl, a fine of ten puns of "cowries," (about a shilling.)

151.—"Prostitutes and dancing women:"—Cases stated, and decrees thereupon, including pimps, &c.

COMMISSION of a BAD ACTION allowed, to save life.

Code, page 271.—"If a man in immediate danger of his life, *by committing a bad action can save his life, in that case the Magistrate shall not fine him.*"

DESIGNING to PROCURE DEATH.

Code, page 268.—"Performing a jugg (religious ceremony), to *procure the death of an "innocent person*, a fine of two hundred puns of cowries."

268.—"Causing an innocent person to drink a potion, in order *to procure his death*, a fine "of two hundred puns of cowries."

Note.—They have great faith in both these expedients; intentional murder is therefore here rated at about ten shillings.

Concerning GAMING.

Code, page 254.—"Games of chance are allowed *before the Magistrate*, or a man belong-"ing to him; the winner *to give half to the Magistrate.*" This last clause explains the reason of prohibiting hazard, except *before the Magistrate.*

138.—"A man may become a slave by loss on the chances of dice, or other games."

SCANDALOUS and BITTER EXPRESSIONS.

This is a copious article in the code, and becomes such from a correspondent feature in the character of the people. Virulent, foul, criminating abuse, overflows among them in a manner probably unparalleled any where else in the world. No language but their own could describe its shameless nature, and the malicious persevering eagerness with which they lavish it upon each other.

The Hindoo law has therefore found it necessary to arrange the various topics of scandalous abuse under distinct denominations, expressive of the quality, or rank, of the crimes which it imputes.

This classification is curious: it places together offences of very unequal enormity; it distributes into the same division, moral and ceremonial pollutions; and thus tends to lessen the guilt of some heinous iniquities, and to confound all just ideas of morality. For instance, under the second denomination, or class of crimes termed *maha-putuk*, with the murder of a Brahmin and *incestuous adultery*, there appears *stealing eighty ashruffees*, (about £.120.) *from a Brahmin*, and a Brahmin drinking wine. Under the third, with "the murder of a friend," and divers kinds of incestuous adultery, is conjoined, "*eating the victuals of the washerman's or any base caste.*" The fourth class, termed *opoo-patuk*, which the glossary of the code explains to be "*small offences*," contains a large association of crimes, of which the following make a part.

Code, page 108.—"Slaying a cow; adultery with the wife of another; performing the "jugg to procure the death of any person; giving a philter to obtain an unwarrantable "power; spoiling trees; eating victuals at the hands of an astrologer; a man's not paying "his debts; stealing grain and metals, *except gold*; depriving a woman or a man of either "of the three inferior castes, of life."

Petty assaults (see code, 191) are also frequent among these people, and proceed from the temper just described. They employ a large chapter of the code, in which a number of

frivolous ridiculous cases, hardly fit to engage the attention of children, the offspring of superstition, pushed to endless punctilios, are stated. The punishment, though lighter in itself, proceeds in the same gradation, as that for scandalous imputations, of which the scale has been already given. But concerning these it may be observed, under this head, that there is surely a direct breach of moral propriety in taking "*abilities*" into the decision, especially by the superiority of ability to alleviate indecorous behaviour; yet this direction very frequently occurs; and how is the superiority of ability to be ascertained? In this instance, as in numberless others, every thing is left to the judge.

FOURTH, Of Laws which, without reference to Caste, go upon principles of Oppression and Injustice.

Of INHERITANCE.

Code, page 64.—" A person born blind, deaf, or dumb, without a hand, a foot, or a nose, &c.; whoever is of such general ill-behaviour, that his relations and partners refuse to eat " or drink with him; whoever is so incurably disordered as that remedies have no effect " upon him; a man afflicted with a consumption, &c.; whoever procures his subsistence by " an unwarrantable business or profession; is thereby incapacitated for inheritance."

Note.—The relations must probably be often interested in the succession.

Of RECOVERING DEBTS.

Code, page 19.—" After other methods prescribed there to a creditor for recovery of debt, " fail, *he shall carry the debtor home with him* and detain him. If this mode also fails, he shall " by *feigned pretences*, endeavour to get hold of some of the debtor's goods. If he succeeds " not here, and has no pledge, *he shall then seize and confine the debtor's wife, children, cattle,* " *buffaloes, horses, and such kind of useful animals, also his pots,* (necessary for dressing his food,) " *clothes, mats, and furniture*; and seating himself at the debtor's door, there receive his " money. If even these methods prove unsuccessful, *he shall seize and bind the debtor's* " *person, and procure by forcible means* (corporal punishment,) *a discharge of the debt.*"

21.—" If a man acknowledges himself indebted to another, and yet refuses to pay, the " creditor shall use the means above specified, to recover his money *without hindrance or* " *molestation from the Magistrate.* If the debtor should lodge a complaint, the judge *shall* " *fine him,* and cause the creditor to be paid."

37.—" If during the time of a famine, or for the execution of some religious purpose, or " on account of sickness, or to satisfy the importunate demands of a creditor, who has " proceeded so far as to seize his debtor, and *confine him without victuals,* the husband should " appropriate to himself his wife's property, *without her leave,* he is justifiable, nor *is he* " *obliged to return or repay* what is so appropriated."

These regulations are limited by the following.

Code, page 20.—" If a man lends money to a Magistrate, his own master, or a Brahmin, he shall not be rude or uncivil in procuring payment."

23.—" When a creditor procures his money by application to a Magistrate, he shall give " him *one-twentieth* of the sum received for his interposition."

270.—" If a Magistrate's officer hath brought before the Magistrate any person for any " crime, and upon the Magistrate's examining that person, he should deny the crime laid " to his charge, then, even if a small offence be proved against him upon a trifling crime, " the Magistrate shall levy a *great* fine."

FIFTH, Specimens of Laws which, without reference to Caste, discover a Spirit of Cruelty.

Code, page 211.—" A man killing a goat, horse, or camel, *except for sacrifice, to have one* " *hand and one foot cut off.*"

212.—" A man always guilty of selling the flesh of dogs or jackalls, for goat or stag flesh, " *to have his hand and his nose cut off, and his teeth broke.*"

217.—" A man selling white copper, &c. to counterfeit silver, the Magistrate shall break " the *hands, nose* and *teeth,* of such person, and fine him a thousand puns of cowries."

217.—" A man stealing an elephant or horse, excellent in all respects, the Magistrate " *shall cut off* his *hand, foot,* and *buttock,* and *deprive him of life.*" (*Note.*—Stealing a *man* of *inferior caste* is rated at a fine of a thousand puns of cowries, as we have already seen.)

218.—" A man frequently guilty of counterfeiting gold, *to be cut in pieces with a razor.*"

But the cruelty of the Hindoo people appears in no way more evident than in the whole of the treatment to which *their women* are subjected in society, under the sanction and authority of the code. They are truly an unfortunate part of the community, and greatly to be pitied. Receiving no education, disposed of in marriage without having their consent asked, or knowing any thing of the person to whom they are to be given, they are immured for life, and made mere servants in the family of their despotic lord. If barren, or bearing only daughters, they are neglected; and not always released from oppression, even when death removes the husband; for they are then frequently reduced to the alternative of sinking into a state of infamy, or of burning themselves with his dead body.

The code expressly sanctions this inhuman and astonishing custom.

253.—" It is proper for a woman, after her husband's death, to burn herself in the " fire with his corpse."

" Every woman who thus burns herself, shall remain in paradise with her husband, " three *crore* and fifty lacs (three millions and a half) of years."

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This strong recommendation and injunction from a lawgiver, believed to be divine, is of course admitted to have the force of a religious obligation; and it is one of those institutions of which the Brahmins are very tenacious. We are naturally led to inquire, what could have been the primary cause of an institution so horrid. The Hindoo writings, so far as they are known, seem to be silent on this head: but an explanation however offers itself, from the principle of the perpetual separation of castes, and the manners of the people. It was essential to that principle, that the castes should marry each within itself. In a few permitted cases, men of a higher caste might take a wife from an inferior one of the original four orders, and all the children were deemed of that to which the father belonged; but in no case was it allowed to a woman of a higher caste to marry with a man of a lower.

Mixed intercourses were therefore almost universally prohibited under penalties; and the offspring which, notwithstanding prohibitions, appeared from that source, was degraded below the fourth caste. But polygamy has always been practised among the Hindoos, especially among those of the higher orders; and the latter wives must infallibly, from the custom of the country, be considerably younger than the husband, and generally still young when he dies. A multitude of widows must thus soon arise in the community, and from the nature of the case, progressively increase. Second marriages of women appear to be unknown and repugnant to the Hindoo law and usages.

When a woman's husband therefore dies, she is reckoned an useless being, and what is worse, a dangerous one. The jealousy of the Eastern people has placed their honour in the conduct of their women, as being what touches them most. Not the husband himself only, but the whole family are stained by the misbehaviour of a wife; and if she degrades herself after his death, they are still affected by her dishonour. If she should bring other children by a man of inferior caste, she would introduce, more signally than any misconduct in a man could, that disorder and confusion into the society which would tend to break down the lines of separation between castes. But seeing the number of widows must always be great, and they have no effectual superintendent or protector, there must be a proportionable danger of such irregularity as would at length make the exceptions bear down the rule; and if mothers, as in many instances might thus happen, were to rear the children of a Sooder with those left by her former noble husband, the higher caste could not be preserved, during infancy, from defilements produced by eating and drinking, and touching what appertained to the other; nor could the son of a Sooder, brought up in this way, afterwards regard his Brahmin brother and companion with the veneration deemed indispensably requisite to be shown to that order.

How then, might it be said, shall the evils to be apprehended from this source, notwithstanding prohibitions and disgrace, be prevented? Let an ordinance, professedly divine, recommend to widows a voluntary departure with their husbands to paradise, under an assurance of enjoying there a very long succession of felicity; honour shall stimulate them to embrace this choice, and lest the love of life should still prevail, the fear of infamy shall compel them to die. Nor would this expedient appear as shocking to the Hindoos, as it does to us. Admitting the separation of castes to be a sacred institution, whatever tended to subvert it, might be obviated, not only lawfully, but as a matter of duty.

Women there have no concern in the education of their children after infancy; they cannot go abroad; the chief, if not the only way in which they are considered to be useful, terminates with the life of the husband; the code imputes to them the most depraved, impure, unsafe nature; they are ranked in the "*Bhagvad*" with those who are "of the womb of sin;" and it is believed that they are doomed to successive transmigrations, until they are regenerated in the body of a Brahmin. Vile therefore in their nature, and become useless and dangerous, to remove them from the earth, would be to study the preservation of order below, and to accelerate the course they have to pass through to a happier state. And thus there is a regular progress from the first stage of a false principle to a practical consummation that is tremendous.

Our supposition, that the original design of this institution was to prevent the dishonour and confusion of castes, appears to be confirmed by the terms of the ordinance in which it is delivered; for after saying that "it is proper for a woman to burn herself in the fire with her "husband's corpse," it adds, "*if she cannot burn, she is to maintain an inviolable chastity.*" If *she remains always chaste*, she goes (still) to paradise, and *if she does not preserve her chastity*, she goes to hell *.

It is probable that though the ordinance speaks in general terms of any woman, the Brahmins might not mean its operation to extend beyond the higher orders, and might especially intend to preserve their own in all the distinction of purity necessary to maintain their authority. Among the lower castes it is seldom enforced. With the others, what was originally in part at least policy, is now superstition, or an honourable family distinction; and in this last view, the practice seems to have extended to other Eastern nations, who probably adopted it from the Hindoos. Expences and domestic inconveniences attend it, which may contribute to confine it to those alone, even of the superior castes, who are in better circumstances; but among persons of that description, happiness and misery, honour and infamy, the present and the future, are all urged as motives to destruction, with great and horrid success. The number of women thus annually destroyed in Hindostan, probably far exceeds the general conception of Europeans †.

As

* A paper in the fourth volume of the Asiatic Transactions, published long after this passage was written, exhibits a variety of decretory sentences from the Vedes and Shasters, relative to this subject, confirming in general the view of it here given. *Asiatic Transactions*, Vol. IV. page 209.

† No judgment can be formed of the number, from the transactions of this kind, occasionally seen

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As connected with this subject, it may be added in illustration of the cruel genius which pervades the Hindoo code, that the Vedes undoubtedly enjoin human sacrifices; that such were certainly formerly offered to Kallee, the Goddess of Destruction, one of whose terrific ornaments is a necklace of human skulls; and that there is reason to believe, that this infernal practice, though now publicly disused, has not yet entirely ceased *.

One article more shall close the elucidations from the Hindoo code.

Code, page 274.—" In cases where it is ordered, a man shall be put to death, instead " thereof he shall pay one hundred ashruffees (about £. 150); and where it is specified that " one of his hands, or one of his feet, shall be cut off, instead thereof he shall pay fifty " ashruffees; and instead of having two of his fingers cut off, he shall pay twenty-five " ashruffees; so also, when banishment from the kingdom is his sentence, instead thereof " he shall be fined twenty-five ashruffees."

" Men of *rank*, or *good principles*, or *learning*, committing such a *crime as to deserve* " *capital punishment*, if they are not men of property, the Magistrate shall take less than " one hundred ashruffees, according to his fortune."

" If a Brahmin who hath always acted in conformity to the Vedes, commits such a crime " as to deserve capital punishment†, the Magistrate, to prevent him in future from the " commission of such crimes, shall confine him in perpetual imprisonment." (No heavy punishment to a Hindoo, to whom indolent inactivity is a species of enjoyment.)

From what has been stated in the former part of this chapter, it will be understood that the ordinances quoted under this last article, as relating to criminal law, are not now a rule of judgment in our territorial courts, but they are introduced here for the sake of illustrating the genius of the Hindoo code. At first sight, they seem to diminish the cruelty of that code. They only afford however, a fresh and striking demonstration of its injustice and venality.

The best apology for a severe system of laws would be, that they were impartially administered. But here is an office of indulgence set up to the rich, and the pecuniary rates fixed at which they may commit crimes worthy of death. On the poor, who cannot perhaps raise one ashruffee, the laws must still have their course; and thus it becomes evident, that their steady object is not the prevention of offences, and that their remissions do not proceed from clemency; but that there is in the dispensation of punishments, a scandalous partiality in favour of rank and wealth, and a palpable regard to the emolument of the Magistrate. Indeed pecuniary fines are one great object of the code; they occur perpetually, the law is so loosely delivered that in personal disputes almost every thing is left to the discretion of the Magistrate, and one sure issue of them is his private advantage.

From this brief inspection of the Hindoo code, a tolerable adequate idea of its genius, in points upon which the happiness of society essentially depends, may be obtained. The articles which have been selected, are such as do not take their character from the light wherein they are placed, from forced constructions, or extraneous circumstances; their real nature, their intrinsic quality, their conformity or repugnance to the fair unalterable standard of good and evil, is evident. It cannot certainly have escaped attention, that the immorality, the injustice, and the cruelty of the code, are by no means confined to the instances which have been adduced under these heads, respectively, but appear in glaring colours in the numerous regulations which have been quoted, in reference to that wide and important subject, the distinctions in favour of the superior tribes. Actions are indeed often estimated, not according to their intrinsic good or evil, but according to the relation they have to caste.

Immoralities of every description are tolerated on easy terms to one part of the society, and

seen about English settlements; by far the greater part takes place in the interior of the country, out of the view and intelligence of foreigners. Roger, a writer of great credit in the last century, relates that the *Kheterees* compelled their women to burn, reckoning it a disgrace if their wives were not laid on the funeral pile with them; and that during his residence at Paliacatta, a man of distinction of that caste dying, *sixty* of his wives were burnt alive with his corpse. A Hindoo of education stated to a friend of the writer, his conjecture that the victims thus annually burnt in the Bengal provinces, amounted to fifteen thousand. The calculation indeed seems excessive; yet if we adopt moderate data, the result will be enormous. Hindostan has been estimated to contain a hundred millions of inhabitants, and at least one-tenth of these to be Mahomedans. In the more opulent families of the three *inferior* original tribes, particularly the Kheterees, the practice in question is occasionally followed. Suppose then the four original tribes to make up two-thirds of the Hindoos, that is, sixty millions, the Brahmin families, with a small proportion of the Kheterees, and a few of those belonging to the other two tribes, to constitute a tenth part of the four original tribes, or six millions, the heads of families in this number to be one-sixth, or one million, the deaths of these annually, one in thirty, and (and a plurality of wives being in many of these families) one woman only to be burnt for each, the number annually sacrificed in Hindostan will then be about thirty-three thousand.

These data are all hypothetical and have little certainty; but let the proportion be reduced to the lowest probable scale, the annual immolation of human victims to a dire superstition, will still appear an enormity under which language must sink.

The principle alone, however, is so dreadful, that it needs not the aid of numbers to shew its atrocity.

* When Mr. Elliot, deputed by Mr. Hastings, in 1777, to the Rajah of Berar, had advanced into the country, between that prince's capital and our territories, a young man presented himself, and solicited leave to travel under the protection of his suite; on being asked his reason, he replied he understood the rajah or zemindar of a district, before them, offered every year a human sacrifice, and generally seized some stranger passing by at that time.

† The implied consistency of these two suppositions deserves to be remarked.

and some of the most atrocious kinds are permitted without reprehension, that is to say, have all the encouragement which a legal sanction can give them.

An unfeeling barbarity also runs through the punishments of the code; it defends sanguinary inflictions; and the translator, who is usually its apologist, acknowledges, that its "various modes of capital retribution contradict the general opinion adopted in Europe, "that the Gentoo administration was wonderfully mild, and averse to the deprivation of "life." If such an opinion has ever been general in the West, it was plainly a gross prejudice, and may show the necessity of paying more attention than has hitherto been given to the character of this people, in order to know it.

Of the effects produced upon a feeble, ignorant, superstitious people, by such a departure from the genuine principles of equity, truth, honesty, purity, benevolence, peaceableness, and good order, in a word, by such a standard of morals as these laws, professing the authority of a divine appointment, establish, it cannot be difficult to judge. It is a maxim so plain as not to be mentioned without apology, that a corrupt rule must produce a practice still more corrupt, since no higher point of perfection being aimed at, and a progressive degeneration common to all establishments, the spirit and manners of the people, if seasonable reforms are not interposed, will in time become generally vicious.

But other causes have essentially co-operated in the formation of the Hindoo character; these are to be found in that part of their complex system which is purely Religious, and of which we next proceed to give some account.

So great an undertaking as a general or systematic exposition of the Hindoo religion, is not here intended. All that is proposed or thought necessary, is only a view of some of its tenets and institutions, which have a direct influence upon the morals and sentiments of the people; and these shall be presented under the five following heads:

First, Ceremonial and pecuniary atonements.
Secondly, Doctrines relating to transmigration.
Thirdly, The characters of the Hindoo deities.
Fourthly, Modes of worship.
Fifthly, Superstitious opinions, immediately affecting the conduct of the Hindoos in common life.

In the first place then, concerning that grand article, *the expiation of the guilt of sin*; the Hindoos are taught to have recourse to various ceremonial works and observances, and confidently to depend on these for absolution: real contrition and amendment, hatred of evil, and a respect to the holiness of the divine nature, do not appear to enter into their consideration of this subject. The whole is reduced to certain external performances; and in the Vedes, there are long enumerations of sins, that is to say, of offences against morality, and every species of offences which men can commit, with the particular expiation prescribed for each*. In

* Ayeen Akberry, Vol. III. page 252.—Roger, pages 262, 267.—Sonnerat, Vol. I. pages 220, 273, et seq.—Religious Ceremonies, Vol. VI. pages 190, 221.—Boldæus, in Churchill's Collection, Vol. III. page 785.—Bernier, Tome II. page 121.—Herbert's Travels, page 334.—Bhagvad Geeta, page 46 et seq.—But see more particularly the Institutes of Menu, published since this tract was drawn up, Chap. II. pages 307, 343. The professed business of this chapter is to treat of *penance and expiation*. The efficacy of expiatory penance is laid down as a general principle or doctrine.

"Some of the learned consider an expiation as "confined to involuntary sin; but others, from "the evidence of the Veda, hold it effectual even "in the case of a voluntary offence."

"A sin involuntarily committed, is removed by "repeating certain texts of the scripture; but a "sin committed intentionally, through strange "infatuation, by harsh penances of different "sorts."

After employing near thirty pages in describing various crimes, many of the deepest dye, and the performances by which atonement for them, if they are publicly known, and thence mischievous by their example, may be made, we meet with some sentences which speak of open confession, repentance, loathing of the sin committed, and abstinence from it. If the most favourable construction be put upon these expressions, what are a few such glimmerings of mental religion, amidst a heap of ceremonial observances, painful or ridiculous? They are overwhelmed and lost in a mass of false principles and senseless practices. They are indeed superseded and contradicted by the general tenor of this very chapter, and by the doctrine of penances; for no hint is any where given that the expiations and sacrifices prescribed in the Vedes are emblematical or typical, the plain and obvious sense of the precepts which enjoin them is that they really atone for sin. "*By* "*these penances,*" says the legislator, to quote the conclusions of his impositions for one species of offence, *may a twice-born man* (one of the three "superior castes) *atone for the guilt* of theft." So with respect to secret sins, "the man who desires "to expiate his secret sins, great and small, must "repeat once a day, for a year, the text *ava* or "the text *yatcinchida*. Though he have com-"mitted many secret sins, he shall be purified by "repeating for a month the text *somarandra*, or "the three texts *aryamna, while he bathes in a* "*sacred stream*: or if he thrice repeat a *candita* "of the Vedas, or a large portion of them, with "all the *mantras* and *brah'manas*, dwelling in a "forest with subdued organs, and purified by three "*pâracas*, (a total abstinence for twelve days and "nights,) he shall be set free from all sins, how "heinous soever." If some of the Brahmins should have juster views of the evil of sin, and of the necessity of moral purity, we may be assured that the bulk of the people, from whom even the contents of the Vedes are carefully concealed, rest in the external forms which are prescribed to them. So it has happened in various parts of Europe, amidst more general knowledge, and a light truly divine. Men have turned aside from that light, and resorted to inventions of their own, to penances, pilgrimages, indulgences, and supererogatory works; which being corruptly grafted upon a system in itself altogether pure and complete, have thence reconciled the practice of allowed sin, with the hope of pardon and of heaven.

In general, these expiations consist in pilgrimages, in living and dying in places reputed holy, in ablutions, in penances, in the celebration of festivals, in fasts, in largesses to Brahmins, in sacrifices and offerings to idols, in anointing the body with the excrements of a cow, and in other expedients of a similar nature.

It would far exceed the limits of this treatise, to enter into a detail of the methods adopted among the Hindoos for obtaining remission of sin. Besides those which the authority of the Vedes, or general usage has established, there are many other inventions, imposed by teachers individually upon their respective followers: a few examples however shall be stated, of those which fall under the former description.

I. Holy Rivers, dedicated to one or other of the deities, Brahma, Vishnow, or Mahadeo, may be mentioned in the first place. There are twenty-eight of them named in the Ayeen Akberry, beginning with the *Ganges*, and traversing the whole continent to the *Indus*; so that all the professors of Hinduism are within reach of an antidote against the consequences of guilt. Each of these rivers has some peculiar property ascribed to it, and many places upon the banks are held sacred, and annually resorted to.

The virtues of the river *Ganges* are universally allowed to be pre-eminent; the water of it assuredly purifies from all sin. Ablutions in it are used continually for this end, as Europeans daily see; and the dying, when within a moderate distance of it, are carried to its edge, and their feet are placed in the river, that thus they may have a happy passage out of life. Its water is conveyed to distant parts for the same purposes; and if persons confiding in its virtue are not within reach of it, thinking of it and invoking it, when they bathe in any other water, will still give them all the efficacy of it. This river is believed to have flowed down from Heaven; hence its transcendent excellency.

II. Holy Places*, dedicated to the same deities, are also spread through all parts of Hindostan. Some of the most distinguished are the following: The city of *Kashee*, or *Benares*, with the district around it for ten miles. It is held that those who die here are transmitted immediately to Heaven. The celebrity of this city, and the continual resort to it of pilgrims, are well known.

Ayoda, or *Owde*, is another sacred region of considerable extent, hallowed by the birth of Rama, one of the most popular deities of the Hindoos.

Metra, with a territory around, is famous for the birth of Crishna, another of their distinguished deities.

Herdewar, where the Ganges falls into Hindostan, a place of great annual resort.

Ellahbass, formerly *Pyag* or *Prayaga*, at the confluence of the rivers Jumma and Ganges. This place is esteemed superlatively holy; the man who dies there, not only has the pardon of all his sins, but it is said, that whatever he wishes for, he will obtain in his next regeneration; and there also *suicide*, though in general thought by the Hindoos to incur future punishment, is deemed meritorious.

"The Hindoos," says Abul Fazel†, "regard all *Cashmere* as holy land. Forty-five "places are dedicated to Mahadeo, sixty-four to Bishen or Vishnow, three to Bramha, and "twenty-two to the goddess Durgah. *In seven hundred places, there are carved figures of "snakes which they worship.*"

Cashmere is about two hundred and forty miles in length, and thirty-five in breadth.

The famous Pagoda of *Jaggernaut*, in *Orissa*, is another place of great sanctity. It is alleged that the body of Crishna was carried there, by an inundation of the sea, from Dowarka, near Surat, formerly a station of distinguished fame and resort. At Jaggernaut, a Brahmin, who would every where else be defiled even by the touch of a Sooder, may receive, without the least stain, victuals from his hands.

There are many more such places of great resort in the Decan, and the northern parts of Hindostan. Rules are laid down for every pilgrimage to them, and various rewards promised to those who perform them‡.

Not only are pilgrimages held beneficial, both to the soul and to the body, but such is the virtue ascribed to the sanctity of the sacred places, that by *naming them only*, men receive the remission of their sins; and on that account great persons, who are somewhat solicitous on this score, run over the names of the principal of them every morning, as if they repeated a prayer; so that where a pilgrimage cannot be conveniently undertaken, yet the benefit may thus be secured§.

III. Sacrifices, Offerings, and Festivals, are celebrated at particular periods, and by the different castes in their respective forms. These are deemed eminent means of obtaining absolution from guilt.

IV. Almsgiving is prescribed in various ways, for the remission of particular crimes, or the obtainment of particular favours‖. The Dan-Poojah, a religious ceremony, in which by many fantastic modes, costly presents are bestowed, is conceived to be followed by prodigious rewards in a future state.

V. Endowments to the Brahmins, to Pagodas, &c. are all esteemed highly meritorious, and the variety and extent of these cannot be described. A large portion of the lands of Hindostan has been transferred, by means of them, into the hands of the Brahminical order.

VI. Rigorous Penances, procure the pardon of some species of offences particularly enormous.

VII. Methods

* Ayeen Akberry, page 255.
† Ibid. - - Vol II. page 156.
‡ Ibid. - - Vol. III. page 254.
§ Roger.
‖ Ayeen Akberry, page 174.

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Mr. Grant's State of Society in Asia.

VII. Methods are likewise devised for the *benefit of those who have not been sufficiently careful during their own lives to ensure the pardon of their sins*, by which their friends who survive, are enabled to be highly useful to them. The body or the bones of the deceased being thrown into the Ganges, temporary happiness at least is procured to the soul, and the advantage of such a condition in another transmigration as shall at last bring it to Heaven. At Gaya, a famous resort of pilgrims in Bahar, there is a particular stone on which the god Vishnow set his foot; and a person by putting on this stone, in the form prescribed, a certain paste prepared there, and by repeating at the same time the name of a deceased friend, can transfer that friend from hell itself to supreme felicity. And this benefit he may extend, not to one friend only, but by repeated applications of paste, to as many as he can recollect, even of his distant connections.

VIII. WORKS OF SUPEREROGATION, to procure distinguished eminence in the heavenly world, are also exceedingly numerous, and many of them altogether astonishing. An account of them would fill a volume; and a few instances, however striking, would give but an inadequate idea. The hideous painful distortions, and tormenting inflictions to which the Joguis subject themselves, till life is wasted away, would be perfectly incredible if they were not so abundantly attested, and yet seen, by many who visit those countries. They afford new proofs of what the human mind can invent, and the body endure, in the way of torture, under the influence of superstition. There is reason however to believe, that this species of zeal rather declines in the present day.

But though the painful details which it furnishes must be spared, it would be injustice to the present subject not to mention that divers kinds of suicide are held by the Hindoos to be meritorious. These, as stated in the institutes of Akber, are five in number: "1. Starving. 2. Covering himself with cow-dung, and, setting it on fire, consuming himself "therein. 3. Burying himself in snow. 4. At the extremity of Bengal, where the "Ganges discharges itself into the sea, through a thousand channels, he goes into the "water, enumerates his sins, and prays till the alligators come and devour him. 5. Cutting "his throat at Allahabad, at the confluence of the Ganges and the Jumna." To this last species of suicide, performed at appointed times, such as eclipses of the sun and moon, great stores of wealth are promised in the next state*.

In short, the modes of expiating guilt, and of acquiring merit, are endless among this people. To accomplish this end, is the business of all their vast train of ceremonies, services and external performances; it is the very thing that has upheld the fabric of Hindoo superstition, and has perpetuated the credulity of the multitude, and the impostures of their priests: even the *Bhagvad*, the purest production of Hindoo theology, proceeds upon the same principles for the remission of sin. The ingenious translator, upon whose authority it has been stated that this work is carefully concealed from the vulgar, also observes that the great ignorance in which they are kept, contrary to the better knowledge of at least the more enlightened of the Brahmins, supports, together with the ceremonies of the Vedes, the consequence, and the very existence of the Brahminical order. But although the *Bhagvad* refines upon the popular system, and contains some moral passages, with others, which though mystical have respect to the intention of the mind in religious worship; yet it palpably admits polytheism and idolatry, and inculcates such pitiable and pernicious doctrines as the following:

"Those who eat not but what is left of the offerings, shall be purified from all their "transgressions. Some attend to the worship of Devatas or angels; others sacrifice "their ears and other organs in the fire of constraint. There are also the worshippers with "offerings, the worshippers with mortifications. Some there are who sacrifice their "breathing spirit, and force it downward from its natural course, whilst others force the "spirit that is below, back with the breath. *All these different kinds of worshippers, are by "their particular modes of worship, purified from their offences*†."

An intelligent friend of the writer expresses himself thus in a late letter from Calcutta: "One day at a Brahmin's house I heard a wonderful man, a Poorannee, (a reader of com-"mentaries on their sacred books,) explaining their Shasters. He frequently made the "people burst into tears, and wept aloud. Whenever their passions were touched with "any pathetic passage, the man obtained several rupees, thrown to him both by Brahmins "and Sooders, only the latter attended their donations with a *pernaum*, or act of worship "to the Poorannee. The Sooders, you know, are taught to worship the Brahmins, and "they do it by *pernaum*, that is, touching the ground with their heads while they pronounce "the word, then the Poorannee holding out his hand in a convex manner, says *Isho*, i. e. "*come*, amounting to "thy sins be forgiven thee," for by "come," they mean to call all the "sins on the neck of the Sooder to the hollow of their hand, where a mystic fire consumes "them. The Brahmins are the true idols, while they carry about with them the powers of "absolution, and to break off their yoke will not be easy. One evening I went to Kallee-"Ghaut (a temple of Kallee), at the time of the Arutee, which is performed by the moving "of a lamp with several wicks about the face of the goddess. When the operation was "over, a Brahmin brought up the lamp, and walked through a passage lined with poor "Sooders on each side, who anxiously, as he passed, put their hands for a moment over "the flame before it went out, in order to procure the remission of their sins *for that day*."

Upon the whole then it appears, that the Hindoos pursue methods of obtaining pardon of sin without regard to the disposition of the mind, or the conduct of life on their own principles. They may go on committing wilful offences every day, and as regularly wiping them off, and die at last pure and in peace, and pass through the water of the Ganges to happiness

* Ayeen Akberry, pages 274, 174.

† Bhagvad-Geeta, page 55.

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happiness in a new state. For the violations of conscience, which though smothered is not extinct*; for the disregard of truth, of justice, and of mercy, their system has enabled them, without making any the slightest compensation to men, to give sufficient satisfaction to their gods†. To them they pay a certain quit-rent, or acknowledgement, for liberty to do whatever their inclination and ability may prompt them to, as far as their fellow creatures are concerned. Can we hesitate to say what must be the effect of such principles on their character? Among such a people, crimes must prevail. True it is, and greatly to be lamented, the prevalence of crimes is no new thing, nor peculiar to them. The ancient world exhibited a picture of the same kind; and to the dishonour of the Christian name, in countries nearer home, that pure religion has been changed into a mystery of imposture and corruption. But though it must be said, that the light which overspreads Europe, has prevented the same degree of effect from the system of delusive fraud still practised there, yet have not the consequences been infinitely prejudicial to those countries where it has prevailed; and is not that system likely, in the end, to dissolve the frame of society in them?

Secondly. The Doctrine of Transmigration, and others connected with it, universally received among the Hindoos, have great influence upon their modes of thinking and acting, and serve to weaken their sense of moral obligation. The Hindoos are taught to believe that their present corporeal habitation, and earthly sufferings, whatever they may be, result from their actions in a former state; and that there are inherent original qualities in the constitution of man, *from which* all his good and all his evil actions proceed. From these tenets it follows, that the commission of crimes is the result of *destiny*, and yet that they are punished; and that natural evils, the consequences of personal misconduct, will be regarded as the chastisement of offences to which destiny compelled the sinner in a former state. Thus ideas are introduced of original injustice, of arbitrary destination to sin, and to punishment, in the constitution of things; and offences bear the character of misfortunes rather than of guilt. It is very common to hear a criminal answer, when he is asked how he could be guilty of such atrocity, "that it was his *nusseeb*," his fate. The same persuasion extends to the success of men in life, particularly of warriors and conquerors; and he who has once got the opinion of a happy destiny in his favour, will from that very prejudice, achieve things which a contrary opinion might have rendered impracticable to him.

The doctrine of transmigration tends likewise to weaken the idea of future responsibility. It unites the soul sometimes to the human form, then again to one of the lower animals, in which, even according to the Hindoo notions, there is an incapacity for the exercise of rational powers, and a want of a moral sense: it likewise supposes the consciousness of former states of existence to be lost. Hence there is no sense of personal identity, no suffering from the reflection of past crimes, no real perception of the reasons of suffering; but merely passive temporary endurance. It is true the Brahmins have an art by which they profess to discover the former state and character of persons, by their present sufferings; but the existence of such an imposture does not invalidate these observations, since with whatever credulity it may be regarded by a Hindoo, it cannot impart to him the conscious knowledge of experienced truth. Its chief object seems to be money, and as it affords a curious specimen of the subjection into which the human mind may be brought, some notice of it shall be taken hereafter.

The Hindoos, indeed, entertain such inadequate and obscure apprehensions of a future state of punishment, and have so many ways of fortifying themselves against them, that their moral conduct is little influenced by fear derived from that source.

One of the notions which they have acquired from the doctrine of transmigration is, that some departed spirits may be doomed to whirl for ten days after death, like devils, in the air, suffering from hunger and thirst; and therefore during that space, after funerals, victuals are laid out for the birds, that the unhappy deceased, if they are floating in the airy regions, may partake of the food. On the other hand there is a happy state, to which the *course* of transmigrations may convey men, to the court of *Indra*, God of the Firmament, "where," says Sir William Jones, "the pleasures, as in Mahomed's paradise, are wholly sensual."

But even he who is arrived at paradise is not secure; for the omission of certain ceremonies, or oblations to the manes of deceased ancestors, by the *descendants* of those no longer in a state of probation themselves, is dreadfully fatal, "precipitating the unhappy persons into "*nark*, or hell, thence to be borne again into the bodies of unclean beasts, until by successive "regenerations, all sins are done away‡." These offerings, which come under the denomination of sheradha, are made by some daily, by others monthly and annually; and the manner of performance is thus explained in the Ayeen Akberry§. "*He gives to the Brahmins*, "money, goods, and food, dressed and undressed, in the name of his father, grandfather, "and

* "If having performed any expiation, he feel "not a perfect satisfaction of conscience, let him "repeat the same devout act, until his conscience "be perfectly satisfied." — *Institutes of Menu, On Expiation*, page 339.

† This is spoken of their practical system. In a passage of the work just quoted (page 330), it is said that "the penitent thief must always restore "the goods that he stole." But besides that neither restitution nor penance can satisfy the offended justice of God, this seems to be spoken only of those who literally, by the act of stealing, subduct the property of others. It ought certainly to apply to all dishonest agents and traders, but is probably not so understood; if it be, surely no precept was ever less observed. The banks of the Ganges afford every day the sight of multitudes of worshippers of different lines of business, who are in the habitual practice of cheating, and never think of restitution.

‡ Notes to the Bhagvad.

§ Vol. III. page 231.

" and great-grandfather, and of his mother, grandmother, and great-grandmother." The principle upon which they proceed, is that of increasing the welfare, solace, and enjoyment of departed progenitors; the real effects are to provide a stated succession of sacrificial entertainments for the Brahmins, to add to the ceremonial burthens and superstitious terrors of the people, by threatenings of dreadful consequences, as well to those who omit these rites, as to the spirits of the deceased, who are thus neglected.

What suitable ideas of spiritual happiness and of divine justice can a people, adopting such a practice, possess; and how must it discourage virtuous exertion to think, that all may be *undone after the death of the performer*, by the carelessness of another person!

THIRDLY. The CHARACTER of the WHOLE MULTITUDE of HINDOO DEITIES, male and female, is another source of immorality. The legends and histories of their actions are innumerable, and in the highest degree extravagant, absurd, ridiculous, and incredible. But the feature by which they are, above all, distinguished, is the abandoned wickedness of their divinities, Brahma, Vishnow, Mahadeo, (who are held to be respectively the creator, the preserver, and the destroyer of the world,) and of all the rest, in their several subordinate capacities. The most enormous and strange impurities, the most villanous frauds and impostures, the most detestable cruelties and injustice, the most filthy and abominable conceits, every corrupt excess and indulgence, are presented to us in their histories, varied in a thousand forms. These scandalous legends are more or less known among all the millions of Hindostan; they form an immense series of adventures, which fill the imagination of a weak and credulous people; very many of them are perpetuated by images, temples, and ceremonies, and those of such a nature as it were pollution to describe. Representations which abandoned licentiousness durst hardly imagine within the most secret recesses of impurity, are there held up in the face of the sun to all mankind, in durable materials, in places dedicated to religion; nay, they are the objects of religious adoration, and miniatures are taken from them and worn by multitudes about the neck*. Is it conceivable that the senses and imagination of the people, especially of the youth, should not be utterly depraved by such representations; or that all feelings and ideas of natural modesty should not be confounded and extinguished by them? What then must be the effect when religious influence is superadded?

If such indecent exhibitions as are now forbidden by the law in this country, were to be presented to public view with the highest honour, in lofty and elegant edifices, appropriated by the legislature for that purpose, and all ranks, sexes, and ages, were encouraged to resort to them; if religious merit were added as a further encouragement; and if the practice were to be permanent; what would be the effect upon the general manners? A great revolution in all ideas of modesty, chastity, continence, and decorum; the exclusion of sentiment and virtue. Of all these, nothing would be left, but the consideration of what custom had prescribed, and positive institution had forbidden, as to exterior demeanor and conduct. Such is the state of the people of Hindostan as to these points: there is a discernible absence of our feelings and opinions of propriety and decorum in what regards the sexes, a grossness in their language, manners, and ideas, which (whatever allowances are to be made for the differences of eastern or of ancient habits of life) is best to be accounted for by tracing it to this source. There is a certain modesty which seems to be inherent in the constitution of the human mind; traces of it are to be seen in the rudest hordes still uncorrupted; it is positive corruption that destroys it; and the usages of the Hindoos must therefore be an effect, as well as a cause of depravity.

Nor are these which have been enumerated, the only ways in which the Hindoo mythology influences the manners of the people. He who wants to glut his revenge, knows where to address himself to a patroness: Kali (or Kalee), the Goddess of Destruction, has still many votaries; and the Vedes afford examples of sacrifices and tremendous incantations for the destruction of enemies. The robber also, when about to issue forth against the person and the property of his neighbour, propitiates his tutelar Deity for a successful expedition. We have seen from the code, that the practice of offering worship and sacrifices, in order to compass the death of another, is known to the law. In short, what is the nefarious practice for which a patron may not be found in the Hindoo pantheon? The morals of these people are therefore poisoned at the fountains and altars of religion.

FOURTHLY. The WORSHIP and CEREMONIES practised by the Hindoos, with various circumstances appertaining to them, have the effect of *vitiating*, as well as of *stupifying*, their minds. In an enlightened land it may appear superfluous, formally to state, that such are the consequences of idolatry; but that which is admitted, it may be well also, to recollect and to view, as exemplified in practice. The divine nature is infinitely degraded by every material representation; and the man already so gross as to resort to one, becomes more gross in using it. If he does not at length drop the idea of a distinct invisible power, and think only of the object before him, (as there is reason to suspect he will,) he at least believes that his god inhabits either the stock or the stone which he has set up. European apologists for so monstrous a practice have been willing to deny this idea of idolatry; but an evidence of far superior authority, the author of the Bhagvad, asserts its reality. He introduces Crishna, who is *there represented as Vishnow, with supreme authority*, saying, " the " ignorant

* Ceremonies Religieuses, Tome VI. passim.—Roger, page 157.—Voyage de Gentil, Tome I. page 163.—Voyage de Sonnerat, Vol. I. page 41 & 175.—Hamilton's Travels, Vol. I. page 379.—Pietra della Volle, page 55, &c.—Sir William Jones, in the first Vol. of the Asiatic Transactions, page 254.—Baldæus, in Churchill's Collection, Vol. III. passim.—Nieuhoff, in ditto, Vol. II. page 184.—Fryer's Travel's, page 179, &c.

" ignorant * believe me, who am invisible, to exist in the visible form under which they see me †." And the learned translator of the Bhagvad is of opinion, that it was one of the aims of that work " to induce men at least to believe God, that is, the Supreme God, present in " every image before which they bent." Between depraved opinions entertained of the Divine Being, and depraved practice, there is a necessary and inseparable connection. Those opinions originate from corruption, and he who makes a god for himself will certainly contrive to receive from him an indulgence for his corrupt propensities. Hence all the scandalous and shocking proceedings, of which some intimation has been given in the preceding pages. If we suppose the origin of the erroneous notions in question to have been the allegorization of physical truths, or of the powers of nature, still if the inventors had not ceased to be shocked by lust, fraud, and robbery, would they have stamped those qualities on their gods, and chosen extravagant representations of them as badges of religion? In all the popular worship of the Hindoos, God is never set forth under the idea of Holiness, " as " of purer eyes than to behold iniquity;" nor is any service offered to him worthy of a rational mind. *The Supreme God has indeed neither temple nor honour among the people*; the few Brahmins who recognize his being, do not suppose him to concern himself with the affairs of the world; and the better conceptions which they have of his nature, (though the rays of original truth scattered through their system are overwhelmed in the mass of polytheism and idolatry,) they hold as speculations, which they conceal from the multitude, and in practice oppose. So that the indulgence in immorality, which we have seen to be carried to such a length, is not the perversion and degeneracy of their system, but its very essence.

Unrestrained however as the Hindoos are, with respect to immoral licence, they gain little satisfaction from their religion with regard to those things which affect them most, namely, natural evils, and the interests of the present life. They do not consider one Mind, one Power, as governing the universe; they are distracted by a multiplicity of deities, who are not represented as acting in uniform concert, but often as at variance. It must generally therefore be an uncertainty among them whether the tutelar deity whom they have chosen is able to protect them; whether the prayers of their enemies may not prevail; whether other deities, whom they do not assiduously serve, may not injure them; though they multiply inventions to persuade themselves, and others, of the pre-eminence of their respective peculiar deities; and the followers of Vishnow and Eswara are, on this account, in mortal opposition to each other.

They invoke, indeed, particular deities for particular things, (with ceremonies of the most abominable kinds, in which the women are pre-eminent,) and those of the subordinate classes are perhaps not to be enumerated. But after all, they think it best, especially the lower castes, to endeavour to conciliate evil spirits likewise, to deprecate their malice, and implore their friendship. To one of them ‡ they sacrifice, on the festival dedicated to his honour, goats and buffaloes, instead of a man, the sacrifice which it is said was formerly offered; at which time also some of his deluded votaries were wont to throw themselves before his processional car, that by being crushed under it they might receive a happy death. The practice still common, of swinging by hooks fixed in the muscles of the back, and attached to ropes, which with a lever raise the body to a considerable height, is performed in honour of this malevolent spirit. This is the same deity described by Sonerat § as a goddess, under the name of Mariatale, who, he says, was a most infamous woman, guilty of all sorts of cruelties; but her body, after the head had been deservedly severed from it, being re-animated by an evil spirit, she is now, under this decapitated form, greatly feared and served by the lower Indians on the Coast of Coromandel, and by the Parians in particular, who put her, he adds, above God.

Another mode of honouring their deities is common in those provinces where the Mahomedan invaders never fully settled themselves. Troops of prostitutes are attached to the pagodas; they are brought up as the servants of the idol, dance in its processions, and make part of the establishment of the place. The accession of such auxiliaries to a religious institution, and the belief of their being even in an enviable state as to another world, are justified by the legendary merit of one of their order, who is related to have been visited by Dewender, keeper of the celestial regions, in the form of a man, and to have shown great fidelity to him. Let this notorious fact declare, whether the impurity of their deities and temples has any connection with immorality in practice.

The Hindoo mythology has not only the tendency of directly vitiating the heart, but gives such false notions of nature, as must envelop the mind in gross ignorance and error, and thus strengthen the dominion of superstition, and its attendant vices. Their legendary allegorical histories of the creation of good and evil spirits, and saints, with their wars and actions; of the elements, the seasons, and the planets, all of which are personified by them, have come at length literally to be received by the vulgar, who thus seriously believe that the sun and moon are animated beings, or Dewtahs, and that when they are eclipsed, two evil spirits, or dragons, have seized them. On such occasions therefore vast multitudes have been used to resort to the rivers for the purpose of ablution and prayer, to beat the water, and make hideous noises, in order to induce the dragons to relinquish their hold. Bernier witnessed a scene of this sort at Delhi, in the last century, of which he has given a striking description ||. The people in our settlements do not seem now to be so loud on these occasions. The learned

* The " ignorant," from the whole scope of the work whence this is taken, appear to be all except a few of the most enlightened Brahmins.

† Bhagvad-Geeta, page 71.

‡ Called by Roger, page 245, Ganga-gramma.

§ Vol. I. page 246.

|| Tome II. page 97.

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learned among the Brahmins know better: but if they have for more than two thousand years persisted in keeping the vulgar under such absurd deception, they are very unworthy depositories of science. In the knowledge of the globe they seem to be themselves grossly defective, maintaining a scheme of geography imaginary and ridiculous, the offspring of the same genius as the mythological legends. The extravagant errors of the Hindoos respecting visible nature tend to render their minds less apt for the perception of moral truth.

Besides the consequences of idolatry, which are universal, the very appearance of the Hindoo idols in general has a tendency to degrade the worshippers: they are hideously ugly, with many heads, arms and weapons; with great teeth and eyes, and terrific countenances, of a black colour; many of them smeared with oil, and smelling strongly of it. They are shut up in narrow dark rooms, and the approach to them is through obscurity and silence. The scandalous obscenity of others has been before hinted. Figures of the monkey, the bull, and of various other animals, are often placed around, and worshipped as the attendants of the superior deity of the place.

Of the innumerable, strange, and antic ceremonies, gestures and postures, practised by the Hindoos in their worship, no full description can be given. They are varied according to the rules of different sects, and the fancies of individuals. The account contained in the Ayeen Akberry *, of the *Poojah*, a form in daily and ordinary use, will give some idea of them, and hardly fail to excite commiseration for the deplorable blindness of the people.

" *Poojah* is divided into sixteen ceremonies. After the worshipper has performed his " usual ablutions, with the *Sindehya* and *Howm*, he sits down, looking towards the east or " the north, with his legs drawn up in front; then taking in his hand a little water and rice, " sprinkles the idol, thinking that he thereby begins the worship of God. Next is the " *Kulsh-Poojah*, or the worship of the conch-shell. Last is the *Gunta-Poojah*, which is " plaistering the bell with sandal wood. When he has performed these Poojahs, he throws " down a little rice, and wishes that God may be manifested; thus far includes the first of " the sixteen ceremonies. 2. He places a table of metal, or any thing else, as a seat for the " deity. 3. He throws water into a vessel, to wash his footsteps. In Hindostan it is the " custom, that when a superior enters the house of an inferior, he washes his feet. 4. He " sprinkles water thrice, to represent the idol rinsing his mouth. It is also the custom for " an inferior to bring to a superior water to rinse his mouth before meals. 5. Sandal " flowers, beetle, and rice, are offered to the idol. 6. The idol and his seat are carried to " another spot. When he takes in his right hand a white conch-shell full of water, which " he throws over the idol, and with his left rings the bell. 7. He dries the idol with a " cloth, replaces it upon its seat, and dresses it. 8. He puts the zenar (a sacred thread) " upon the idol. 9. He makes the kushck (lines with a composition of cow-dung, &c.) " upon the idol, in twelve places. 10. He throws over the idol, flowers or green leaves. " 11. He fumigates it with perfume. 12. He lights a lamp with ghee (clarified butter). " 13. He places before the idol, trays of food, according to his ability, which are distributed " amongst the by-standers, as the idol's leavings. The 14th is called *numskar*, which is " worshipping God with heart and tongue; and stretching himself at full length, with his " face towards the ground, (this prostration is called dundowt); then he lays himself in " such manner that his eight members touch the ground, namely, the two knees, two hands, " forehead, nose, and cheeks; and this they call *shastang*. *These kinds of prostrations are " also performed to great men.* 15. He compasses the idol several times. 16. He stands " like a slave with his hands uplifted, and asks permission to depart. There are particular " prayers, and many different ways of performing these sixteen ceremonies; and others " believe that only from the ninth to the thirteenth are indispensable duties. Excepting a " *Sonny-assy* and a *Sooder*, all other Hindoos perform this Poojah thrice every day."

Fifthly. The spirit of superstition extends among the Hindoos to every hour, and every business of life. The particulars recently stated, though striking, give no adequate idea of the universality of its operation; and to follow it through all its influences, would be an endless task. Some further illustrations may however suffice to confirm the existence of such a spirit, and to prove its powerful and incessant influence over the minds of this people. Affecting, in a variety of ways, their understanding and their conduct, it must also enter, in no inconsiderable degree, into the constitution of their moral and national character.

The Hindoos, it has been already observed, are afraid of evil spirits, such as are denominated among us, dæmons and genii. They believe the world to abound with them; every little district has its haunted places; and persons who pass them often, make some offering, or render homage to appease and conciliate the residing genius. Many are the devices in use amongst them to fortify themselves against the assaults of these malignant beings, which they apprehend on small occasions as well as on great; for when a Hindoo yawns, he performs a short exorcism, to prevent the dæmon from seizing that opportunity of entering into his body. Possessions are most firmly believed by them, and the appearance of them is not at all uncommon. The persons are evidently convulsed and agitated in an extraordinary manner; they declare that a spirit has seized them; and there is seldom reason to think them insincere in making such assertions, because the circumstance happens to servants, and others, who from caste, and the usages of the country, hardly ever meddle with the curious arts. The notion of apparitions, is also very familiar among the people. Their legends countenance it, and their imaginations, weak and inordinate, multiply relations of this kind. It is supposed also, that the spirits of the dead have access to the living, in various ways, and may do them good or evil. Witchcraft is universally believed, and practised

* Vol. III. page 226.

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practised among them. Every village has one or more female professors of this art, and wizards also abound: these are dreaded, accused, and resorted to, as was the case in Europe in the dark ages. But in Hindostan, this is still an active and flourishing profession. The several arts of divination, soothsaying, sorcery, necromancy, and above all, astrology, are well known and highly regarded. From the work of Abul Fazil, it would appear, that they are all explained and sanctioned in the Shasters. The Vedes, we know, enjoin the horoscope to be drawn at the birth of a child, and this is constantly practised. The Magistrate, among the Hindoos, was bound always to have skilful astrologers and soothsayers about him. The code imposes punishment upon *any one ignorant of astrology*, who shall presume to predict misfortune to the Magistrate. No affair of importance is at this day undertaken without consulting a soothsayer.

Incantations also, which form another very large branch in the occult arts of the Hindoos, are amply treated of in the Vedes, and in practice are universal. Their object is unlimited; to procure all good, and avert all evil.

With incantations, may be classed the endless variety of charms, spells, talismans, amulets, and other inventions of this nature, of which no individual, small or great, of all the millions of the Hindoo race, is destitute. The confidence reposed in these things is wonderful. It is a part of the duty enjoined in the Hindoo code to the sovereign, "that he "keep magicians, men who can cure by spells," upon which far more reliance is placed than on medicine. While the writer of this sketch was in Hindostan, he saw in one morning, two fine young men, the pupils of a snake-charmer, lying dead, in consequence of their undoubting confidence, that the spell which he had taught them would render the poison of the serpent innoxious. Presuming upon this spell, first one and then the other provoked a most venomous snake to bite him, and in two hours they were both corpses, leaving destitute families. Unsuccessful instances of this sort do not open the eyes of the people. They are referred to irregularity in the application of the spell, and do not impeach the efficacy of the art.

As a further illustration of this vast system of imposition, the following transcripts are made from the Ayeen Akberry*, the work it is to be remembered, of a man of the first eminence for talents, rank, and information, who was born and passed his life in Hindostan.

SUR,

"Is the art of predicting events, by observing in what manner the breath issues through "the nostrils. The breath comes out of the nostrils after three ways. First, when it comes "mostly out of the left nostril. This they attribute to the influence of the moon, and call "*adda* and *chandernaree*. The second, when it issues most from the right nostril, which "they attribute to the influence of the sun, and therefore call *soorejnaree* and *pingela*. The "third is, when both nostrils breathe equally. The following is the order in which the "breath ought to pass through the nose:—from perva to the third tith, chandernaree, and "the same number of days, soorejnaree, alternately throughout the month: others make "it weekly; thus, Sunday, Tuesday, Thursday, and Saturday, soorejnaree; and Monday, "Wednesday, and Friday, chandernaree. Others maintain that it is regulated by the "sun's course through the zodiac, Aries beginning with the soorejnaree, Taurus with chan-"dernaree, and thus alternately through all the signs. All the learned of the Hindoos "believe, that if a man breathes differently from one of these three ways, some misfortune "will befal him; if the irregularity lasts two days, a quarrel will ensue; if it continues ten "days, some misfortune will befal him; if fifteen days, he will have a severe fit of sickness; "if for a month, his brother will die. Others speak thus of the irregularity of breathing; if "for a day and night, soorejnaree is in excess, the person will die at the expiration of a "year; if it lasts two days and nights, he will live two years; and so a year for every day; if "the excess continues for a month, he will die at the end of the ensuing month. For the "excess of chandernaree, they say, if it lasts a day and night, that person will have a fit of "sickness at the expiration of a year; and according to the number of days he will be so "many years sick."

The manner of predicting events by the knowledge of this art†.

"If any one comes to inquire whether a woman who is pregnant shall be delivered of a "boy or girl, the person who is to answer, must examine the nostrils of the questioner; if he "breathes more through one nostril than the other, and stands on that side, it shall foretel "a son; but if he happen to place himself on the opposite side, it shall indicate that it will "be a daughter; if he breathes equally through both nostrils, there will be twins. Some "believe that if the questioner stands on the soorejnaree side, it will be a boy; and if on "the chandernaree, a daughter; and that if the breathing be equal, it denotes an herma-"phrodite."

"If an inquiry is made concerning a person who is sick; if the questioner stands on "the soorejnaree side, the sick person will die; but if on the chandernaree side, he will "recover."

"If it be inquired whether or not an enemy's army will come; if the questioner is chan-"dernaree, and stands on that side, the army will come; but if he is soorejnaree, and stands "on that side, it will not come."

"If he inquires concerning peace and war; chandernaree implies the first, and soorej-"naree the last."

AKUM,

* Vol. III. page 175. † Ayeen Akberry, Vol. III. page 176.

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AKUM *,

" Teaches what incantations are advantageous, and what are hurtful; what will improve " the understanding, *increase rank and fortune,* cure diseases, *subdue enemies,* cement friend- " ships, insure the conquest of countries, and advance the success of government."

SHOOGUN †,

" Is the art of discovering what is now happening, and predicting future events by " *observing the motions* of birds. This is an art in which many Hindoos are skilled."

" The learned Hindoos discover hidden things by means of five things; 1, *Astrology,*— " 2, *Sur,*—3, *Shoogun,*—4, *Keyweel,* which are omens learnt by throwing dice,—5, *Sam-* " *dirg,* predicting from observing the form of the limbs, and their motion, and the lines and " moles on the body."

GARUD ‡,

" Is the art of repeating certain *incantations* for recovering a person who has been stung " by a scorpion, or snake, or any other venemous reptile. This is done by repeating his " genealogy and praising his ancestors, which obliges the animal to present itself. The " following is a wonderful fact. When they have caught an old snake of a particular " species, they repeat certain incantations, and then make it bite a Brahmin; when the " poison takes effect, the Brahmin continues for some time in a state of stupefaction, when, " upon any question being put to him, he gives answers which are invariably found to be " true. The Hindoo philosophers believe that during the revolution of the Cal-jowg, nothing " is truer than such answers. And these answers have been collected together into several " volumes."

INDERJAL §.

" Includes the art of necromancy, talismans, and slight of hand, in which they are won- " derful beyond description."

But the excessive solicitude of the Hindoos about the future, is in nothing more conspicuous than in their regard to omens, signs, lucky, and unlucky days. They carry this attention to a length almost incredible. It interferes perpetually in all the affairs in which they are concerned, as Europeans who have to act with them have the mortification to find. Roger, a Dutch clergyman of great credit, frequently cited in this treatise, has given in his work, written in the earlier part of the last century, on the Coast of Coromandel, and since translated into French, an account of their proceedings in this respect, which so well suits the present manners of Bengal, that while it fully illustrates the subject under consideration, it evinces the sameness of character, prevalent among them in distant periods and places.

" D'autant || qu'il a esté dit dans l'onzieme chapitre, que les Brahmins, et autres nations " payennes, prennent garde aux jours, quand ils ont dessein d'aller faire la demande d'un " marriage, ou pour le confirmer, il ne sera pas pour ce sujet, hors de propos, de parler un " peu comme on prend garde au signes et aux choix des jours."

" Ils n'entreprendront point une affaire qu'en un jour, qui, selon leur compte, est bon; et " s'il se presente quelque signe ce bon jour-là, qui selon leur opinion, est mauvais, ils ne la " poursuivront pas, craignant que la fin n'en soit pas bonne. Quand ils ont le dessein " d'entreprendre un voyage par terre, ils avanceront souvent leur voyage, pour prendre " l'occasion d'un jour et d'une bonne heure, quoique ce seroit vers le soir, et qu'ils ne pour- " roient pas aller plus d'un quart d'heure loin de la ville, cela n'estant pas capable de les en " empescher, estant asseurez que quand ils partent en une bonne heure tout leur voyage " sera heureux. Ils différont souvent leur voyage quelques jours, pour avoir un bon jour et " une bonne heure; et il arrive souvent, (comme j'ay dit,) qu'ils ont perdu, en attendant les " bons jours, la bonne occasion, et le temps propre, pour avancer leur voyage, et pour avoir " un heureux succez de leurs affaires. De façon qu'on peut dire, avec juste raison, de ces " payens-là, ce que *Seneque* disoit des sabats des Juifs; " que plusieurs choses, qu'on devoit " faire à l'instant, estoient souvent perdues, ou ne se faisoient jamais, à cause qu'on diffé- " roit, et qu'on ne les faisoit pas en temps." Il s'en va de cette façon avec ces payens-cy; " car pendant qu'ils attendent assez les bons jours, et les bonnes heures, ils les perdent sou- " vent, et souffrent beaucoup de dommage; et ce que je n'ay pas vu seulement une fois, " pendant que j'ay fait là ma résidence, mais d'an en an, que par le retardement, ils ont " laissé passer le temps de *mouson,* et ont esté contraints de revenir, sans rien faire, apres " estre parvenus à la moitié du chemin de *Pegu,* Jannasseri, et Achim ¶. C'est une chose " estonnante, qu'ils ne deviennent pas plus prudents pour l'avenir, par le dommage, et la " perte qu'ils souffrent continuellement; qu'ils persistent et continuent tousjours dans leur " ancienne erronée, et inutile practique. Comme cette opinion est profondément enracinée " en eux, ils n'en peuvent pas estre divertis."

" Mais ** pour entendre ledit *panjangam* (almanach) il faut sçavoir, comme nous avons dit " au chapitre précédent, que les payens avoient trente heures au jour, et trente heures à la " nuict. Il est déclaré dans ce *panjangam,* touchant chaque jour de la semaine, et touchant " chaque

* Ayeen Akberry, Vol. III. page 177.
† Ibid. - - - III. - 178.
‡ Ibid. - - - III. - 178.
§ Ibid. - - - III. - 179.
|| Roger, Porte Ouverte, page 71.

¶ The mariners concerned in these voyages were probably Mahomedans, the owners of the vessels may have been Hindoos, but both have this superstition.

** Roger, page 84.

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" chaque heure qui se rencontre dans le jour, ce qu'on peut faire en icelles avec bons succez, " et ce qu'on doit laisser."

" 1. Que le dimanche commençant au lever du soleil, la premiere heure est bonne pour " toutes sortes d'affaires de discours, ou de conseil."

" 2. Si l'on entreprend quelque affaire, qui apporte ordinairement du profit, elle succédera " bien, et apportera du profit."

" 3. Si l'on entreprend quelque affaire pour en recevoir du profit, elle ne succédera pas " bien."

" 4. Si l'on espere recevoir quelque chose de bon, l'enemy jouira de ce bien-là."

" 5. Il y aura du profit à faire merchandise."

" 6. Il fait bon célébrer une feste, ou entreprendre quelque chose concernant joye ou " doctrine."

" 7. Traité touchant femmes succédera selon le desir."

" 8. La marchandise ne donnera point de profit."

" 9. Comme en la sixieme heure."

" 10. Ce qu'on entreprend ne succédera pas bien."

" 11. Il est mauvais de prendre médicine, ou de faire quelque chose pour le contentement du corps."

" 12. Qui cherche victoire, il luy succédera bien."

" 13. Il fait bon d'acheter des vaches, des bestes, &c."

" 14. Il fait bon de prendre quelqu'un à son service."

" 15. Il est mauvais d'entre dans une maison neuve, ou de visiter quelqu'un dans sa " maison."

" 16. Il est bon de commencer quelques maisons, village, ou ville."

" 17. Il n'est pas bon d'entreprendre un voyage."

" 18. Il est bon de visiter les grands."

" 19. Il est bon de faire des images à l'honneur des pagoden."

" 20. Il est mauvais d'entreprendre quelque chose."

" 21. Celuy qui pense gaigner quelque chose, sera trompé."

" 22. Celuy qui entreprend une bataille, la perdra."

" 23. Il est bon de rechercher l'amitié."

" 24. Il fait bon se battre."

" 25. Il fait bon prendre conseil de quelqu'un quelque part."

" 26. La marchandise n'apportera pas de gain."

" 27. Qui aura la connaissance d'une femme, aura un enfant."

" 28. Tout ce qu'on entreprendra, réussira."

" 29. Celuy qui entreprendra quelque chose de plantage, aura bon succez."

" 30. Tout ce qu'on souhaitera auparavant, ne succédera pas bien."

" Il ira de mesme la nuict, d'heure à heure, jusqu'au soleil levant."

The other days of the week, and the sixty parts into which each is divided, are detailed in the same strain; and thus every half hour is marked by something specific to be undertaken or to be avoided *. How much the affairs of life, and all rational considerations about them, must be interrupted; how much the poor people, who are enslaved to this superstition, must be harassed by it; may easily be conceived. They seek relief from every thing, and fear every thing except the Supreme Lord.

But this is not the only yoke imposed upon them. Their ceremonial defilements, pollutions, and uncleannesses, the ways in which caste may be stained or lost, the methods of purification, the regulations concerning food, the manner of dressing and eating it, the ceremonies at births, at different ages, at marriages and deaths, all these multiplied beyond enumeration, with a prodigious calendar of burthensome festivals and fasts, constitute a most grievous bondage.

A scrupulous Hindoo cannot go forth from his house without being accessible, on all sides, to dangers from omens and defilements. He must proceed every step with fear and circumspection, lest some calamity should come upon him. " Dust † shaken from flesh, " from a broom, a garment, or from divers animals; the touch of a burnt net, a crow, a cock, " a hen, a rat or mouse, an eunuch, a washerman, a hunter, a fisherman, a gamester, a " distiller, an executioner, a tanner, a dealer in leather, an oilman, and of any sinner;" these are some of the manifold ways in which by contact, by accidents, or by the arts of others, personal pollutions may be contracted. The ceremonies which respect the article of food alone, might form a volume. Many kinds of provisions are totally forbidden; others become, in particular circumstances, unlawful; and those which are allowed, may be defiled by a thousand contingencies. The vessels used in preparing food, if touched by one of the lower caste, are defiled. The shadow of a chandal, (a person of the base caste before mentioned,) passing even over water, defiles it. All things useable, liquids, grain, metals, silks, cottons, vegetables, domestic utensils, the earth itself, are liable to pollution, and the remedies

* A few articles in the detail are curious enough to be noted.

" Celuy qui entreprendra quelque chose *au* " *desavantage de son prochain*, cela lui réussira.

" Il fait bon, entreprendre *une mauvaise affaire.*

" Il est bon, d'entreprendre quelque chose, pour " donner de la crainte a quelqu'un; celuy qui mange " du poison, il en recevra les mesme avantages que " de *l'Amortam*," (supposed to be the same as *Amrita*, the nectar of the gods.)

" Il fait bon brusler les malades, ou les couper.

" Celuy qui cherche chose pour tromper, il ne " le recontrera pas.

" Qui veut entreprendre quelque chose, ses " enemies mouront."

† Ayeen Akberry, page 242.

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remedies to be applied for their purification are prescribed *. "Sunshine, moonshine, the "light of a fire, air, water, earth, ashes, mustard-seed, wild grain, the shade of a tree, *the "hind part of a cow's leg*, a plough, milk, milk curds, ghee or clarified butter, the dung and "urine of a cow," are a very few of the things which are esteemed to have a purifying virtue, and mostly in cases of personal defilement.

Besides the time employed in their daily ablutions and ceremonies, that which is lost from attending to the lucky and unlucky hours, and that which must be given to the removal of contracted defilements, there are many rigorous fasts † prescribed, and a still greater number of festivals ‡. Of these last only, the whole number appointed for the *different castes* appears, from the Ayeen Akberry, to be about a hundred in the year, and they are in general carefully observed.

It is not however enough, that the Hindoos bear the accumulated evils, natural and fictitious, of their present state of existence. The Brahmins profess a science called *Kurrembeypak;* "by which," says Abul Fazil, "can be discovered whatever was done by men in "their former state of existence; *and it prescribes a particular expiation for each crime* §. It is probable that there has always been more discretion than rigour, in the exercise of the authority derived from this source; but the invention itself is so singular, as to merit some further observation.

The art is subdivided into *four kinds*; and distinct examples of each are given in the Ayeen Akberry, (Vol. III. page 167). ‖

From these examples, the following only shall be selected, as being short, and affording a sufficient explanation of the nature, and possible extension of this new species of taxation.

Diseases which are Punishments for Crimes in a Former State.

"Lameness is a punishment for having kicked a Brahmin.—*Cure*, Let him take one tolah "of gold, in the form of a horse, and bestow it in charity; and give food to one hundred "and eighty Brahmins."

"A fever is a punishment for killing an innocent Kheteree.—*Cure*, Repeating one hundred "times the incantation of Mahadeo, feeding thirteen Brahmins, and sprinkling with water "the image of Mahadeo one hundred times."

"A cough is a punishment for killing a Brahmin.—*Cure*, Making a lotus of four tolahs of "gold, and after repeating certain incantations, performing with it the ceremony of the "*Howm*, and giving it to a righteous Brahmin."

"A woman whose husband dies before her, in her former state was of a great family, "which she left to live with a stranger, and when he died burned herself with him.— "*Cure*, She must pass all her life in austerities, or put an end to her existence by burying "herself in snow."

"A woman who has only daughters, is punished for having possessed a great deal of "pride in her former existence, and not showing proper respect to her husband.—*Cure*, "Besides ornamenting a white ox with gold, &c., she is to satisfy with food one hundred "Brahmins: or she must make ten mashes of gold, in the form of a deity, and after per- "forming certain incantations, give it in charity, and feed fifty Brahmins."

The review of the Hindoo religion shall be closed here. Whatever antiquity may be justly ascribed to that religion, whatever acknowledgments its mysterious writings may contain of one Supreme Being ¶, and of some of His perfections, whatever mixture of moral principles

* Ayeen Akberry, page 243.
† Ibid. - - - 247.
‡ Ibid. - - - 268.
§ Ibid. - - - 167.

‖ The Institutes of Menu established the doctrine of sufferings for sins committed in a former state, and describe both the signs by which those sins may be discovered, and the expiations which must be made for them. Some passages from that work will further illustrate the doctrine.

"If a twice-born man, by the will of God in "this world, or from his natural birth, have any "corporeal mark of an expiable sin *committed in "this or a former state*, he must hold no intercourse "with the virtuous while his penance remains un- "performed."

"Some evil minded persons, for sins committed "in this life, and *some for bad actions in a preceding "state*, suffer a morbid change in their bodies."

"A stealer of gold from a Brahmin, has whit- "lows on his nails; a drinker of spirits, black "teeth; the slayer of a Brahmin, a marasmus; "the violator of his guru's bed, a deformity in "the generative organs; a malignant informer, "fetid ulcers in his nostrils; a false detractor, "stinking breath; a stealer of grain, the defect "of some limb; a mixer of bad wares with good, "some redundant member;

"A stealer of dressed grain, dyspepsia; a stealer "of holy words, *or an unauthorised reader of the "scriptures*, dumbness; a stealer of clothes, le- "prosy; a horse stealer, lameness."

"Penance, therefore, must invariably be per- "formed for the sake of expiation; since they who "have not expiated their sins, will again spring to "birth with disgraceful marks."

Institutes of Menu, page 313.

¶ It is doubtless very pleasing to discover the recognition of this grand principle, the foundation of all true religion, even under an immense mass of falsehood and superstition; but some persons seem to have thought, that in ascertaining the existence of this principle in the writings of the Hindoos, or in the opinions of their learned men, they had substantially vindicated and established the religious character of that people; making little account of their idolatry, which is practised by the Brahmins, they represent to be no more than a symbolical worship of the divine attributes; and which as admitting among the vulgar, the idea of subaltern intelligences, they represent to arise from the veneration paid to the elements, which are thought

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Causes of the Situation and Character of the Hindoos.

principles may be found interspersed in its ordinances (for without some cement of this kind it would be impossible to constitute a religion for creatures, endowed with any share of reason and conscience) it plainly appears, that its general system is in theory most depraved; and that it is a system which, when reduced to practice, renders abortive the few moral principles originally admitted into it; and not only tolerates, but necessarily countenances, and encourages, the most extravagant and abandoned wickedness. The manners of some of the Brahmins who pass their time in going through the ceremonies of their religion, or an indolent application to their books, exempt from the concerns of the world, and therefore unblackened with the crimes so common among those of more active pursuits, form no exception to this remark; nor the rigorous austerities practised by the devotees of another class, who give themselves entirely up to a life of wandering mortification. Both these descriptions of men deny themselves in some things, but it is in order to be more abundantly gratified in others. The pride of their superior rank and qualifications, and above all, of their supposed sanctity, and the idolatrous reverence which they receive from the common people, render them insufferably arrogant; and there is the grossest deviation from rational and meritorious principles in the conduct of both:—in that of the Brahmin, who imposes upon the people a worship and ceremonies, which he knows to be groundless and pernicious; in that of the Jogee, who abandons his wife, children, and connections, to become useless and burthensome to others, and to himself, for the rest of his days.

The absolute dominion which this religion gives to the Brahmins, and a few of the second tribe, over the rest of the people, must also have forced itself upon the attention. No similar invention among men, seems to have been so long and so completely successful. This success may be accounted for, partly, from a favourable concurrence of various circumstances; but chiefly, from the character of the religion itself. Erected upon the darkest ignorance, and the boldest falsehood, it has been the work of ages to strengthen these foundations, and to render the fabric impregnable. The understanding is chained and kept in perpetual imprisonment, like dreaded rivals for power in the East, who deprived of their eyes, and immured in dungeons, receive poisoned provisions from the gaoler's hands. Every avenue which might lead

to contain a portion of God, who according to an alleged tenet of the Hindoo faith, is held to be the soul of the world *. Not to dwell upon the falsity of this view of Hindoo idolatry, which has been already contradicted by quotations from the Bhagvad-Geeta, it may be sufficient to observe to any who lean to so latitudinarian an opinion, an opinion which falls below even the creed of deism, that the speculative admission of one or more important truths will not, in the least, prove the religious system, or the religious practice, of any person or community to be right. The picture of the ancient Heathens, given to us by unerring authority, is a striking and affecting representation of the people of whom we now speak. "They "held the truth in unrighteousness. . . . . From "the visible works of the Creator, they under- "stood his eternal power and godhead . . . . . "But when they knew God they glorified him not "as God, neither were thankful; but became vain "in their imaginations, and their foolish heart was "darkened. . . . . Professing themselves to be "wise, they became fools . . . . . And changed "the glory of the uncorruptible God into an image "made like to corruptible man, and to birds, and "four-footed beasts, and creeping things . . . . "Wherefore also God gave them up to uncleanness, through the lust of their own hearts, to "dishonour their own bodies between themselves; "... . . Who changed the truth of God into a "lie, and worshipped and served the creature more "than the Creator, who is blessed for ever, amen. ". . . . . For this cause, God gave them up to vile "affections . . . . . And even as they did not like "to retain God in their knowledge, God gave them "over to a reprobate mind, to do those things "which are not convenient; . . . . Being filled "with all unrighteousness." *Romans* i. 18. 24. 26. 28, 29.

With respect to the real tenets of the Hindoos on subjects of theology, they are to be taken from their ancient books, rather than from the oral declarations of the most learned Brahmins of modern times, who have discovered that the opinions of Christians, concerning the nature of God, are far more rational than those currently entertained among them, and that the gross idolatry of the Hindoos is contemned by the more intelligent natives of the western world. Bernier† seems to have found occasion for the same remark in his time, for after relating a conference between him and some learned pundits, in which the latter endeavoured to refine away the grossness of their image-worship: "Voila (says he) sans ajôuter, ni "diminuer, la solution qu'ils me donnerent, mais a "vous dire le vrai, cela me sembloit un peu trôp "bien concerté, *a la chretienne*, aux prix de ce "que j'en avoit appris de plusieurs autre pandits." —It may be allowable to add here, that it is of importance in communicating, through the medium of European tongues, the writings of Eastern nations, not only to render their sense with rigid strictness and accuracy, but as much as possible, with the dress, the air, the manners of the original; for it is conceivable, that elegance of language, harmony of periods, grace of composition, and the illuminations of European learning, may in a version, unintentionally impart to doctrines, sentiments, or narrations, an elevation, a symmetry, or a polish, which, in their original garb, they do not possess. In this view, an author, to whom the world are under considerable obligations, may be quoted with applause.

"In executing this work," (says Mr. Wilkins, of the translation of the Heetopades) "I have "scrupulously adhered to the text; and I have "preferred drawing a picture, of which it may be "said, *I can suppose it a strong likeness, although* "*I am unacquainted with the original*, to a flatter- "ing portrait where characteristic features, be- "cause not altogether consonant to European "taste, must have been sacrificed to the harmony "of composition. I have ever attended to the "form of my model, and have preserved what "was originally in verse, distinct, by indenting "every line but the first of each distich."—Mr. *Wilkins'* Preface to the Heetopades, page 14.

* Dow's History of Hindostan, Vol. I. Dissertation on the Religion, &c. of the Hindoos.
† Tome II. page 159.

lead to emancipation, is strongly guarded. Fear is immeasurably excited, and incessantly wrought upon; not a rational fear of falling into moral evil, and offending the righteous and holy Sovereign of the universe, but a fear of numberless fictitious dangers from every part of nature, from things real and imaginary, in every situation, and in every transaction. Fear is the grand instrument by which these poor people are held down, never daring to examine into the reality of what they are told is impending over them. False hope is likewise held out to them; and they are taught to seek deliverance, safety, and happiness, in a multitude of unmeaning, fantastic ceremonies, which constitute a grievous drudgery, engrossing their time, and confining their thoughts. In all these rites, and in whatever regards the civil and personal, as well as the religious concerns of the Hindoos, the Brahmins have made themselves indispensably necessary. They formed the religion, they are the sole exclusive depositaries of its ordinances, they are the expounders of them, they are, under a Hindoo sovereign, authorized to assist in the government of public affairs, and in effect to control it; they are the framers and administrators of the law, they have exorbitant personal privileges in all the ordinary affairs and transactions of life, they are the sole ministers, either officiating or directing, in all the vast train of ceremonies, observances, ablutions, defilements, purifications, penances, and works of supererogation, of which their religion consists; the endless questions arising about caste, are determined by them. In short, a Hindoo, from the hour of his birth, through the different stages of his existence, in infancy, in youth, in manhood, in old age, and in death, in all the relations, and in all the casualties of life, is subject to an accumulation of burthensome rites, with which the preservation of his caste, his credit, and place in society, are strictly connected: nay, for his conduct in former states of being, preceding his birth, these absolute lords of his faith, conscience, and conduct, bring him to account, nor do they resign their dominion over him when he is dead. The return he has for unbounded subjection, is an indulgence in perpetual deviations, even from those few principles of morality which his religion acknowledges. It is thus that abject slavery, and unparalleled depravity, have become distinguishing characteristics of the Hindoos.

Before we dismiss this branch of our subject, it may be proper to meet an enquiry which may have been rising in the mind of the reader while this account has proceeded. It may be said, If the representation here given be just, if such be the consequences of the complex system of Hindoo government, religion, and laws, how has Hindostan flourished under that system, as it is said to have done in ancient times? How has even the frame of society among the Hindoos been preserved from dissolution?

That country, certainly possessed of various advantages, derived them however from nature, not from its government. It enjoyed a most genial climate, a most fertile soil, a situation the most happy for security and for commerce. But its political institutions cramped its natural powers; in process of time they produced general corruption; the interests of the country, or the state, came to be no concern with people, who, excluded even from thinking of public affairs, and unalterably fixed to one rank and occupation, had little to hope, or to fear, from a change: whence it was, as the ancients inform us, that the husbandman might be seen calmly tilling his field, while two armies were contending in his sight for dominion. Those institutions failed in effectual provision against foreign invasion, in the same degree that they produced internal degradation; and the people having at length filled up a high measure of immorality, the natural consequence of their principles, their northern neighbours, after many desolating inroads, and massacres, brought them under a foreign yoke.

But though the Hindoos lost the dominion of their own country, the influence of their religion and their priests remained. The ignorance and fear of the people, their terrible apprehension, especially of the loss or contamination of caste; the necessity thence resulting of adhering to the profession, and remaining in the country in which they were born; these causes, which the great extent of continent over which Hinduism had anciently spread, and the prodigious number of the people professing it, upheld its institutions (institutions which eventually sacrificed every thing else to perpetuate themselves) long after the transfer of sovereignty to foreigners of another faith. Thus the people were held together in the forms of the social state, by a chain, which the rude bigotry and ignorance of their conquerors only served to fasten more strongly; and this, in a word, with the coercive power exercised by the conquerors, explains why they still continue united beyond the period, when their corruptions might have dissolved the frame of society *.

* The ancient splendor of India, its career in refinement, and the happiness resulting from its policy, have been viewed by the celebrated author of the *Historical Disquisition*, through a medium which hath magnified them to his apprehension greatly beyond their just dimensions, and guided his masterly hand in the delineation of a picture, far more beautiful than the original. In treating of the progress of society, one position seems of late to be generally assumed, that men at first set out from the savage state; a position which may sometimes at least be questionable, and which in respect to the original inhabitants of Hindostan, must be disputed. From this point, however, Dr. Robertson conceives them to advance, through a long series of internal improvements, to the highest stages of refinement, unaided even by the accession of extraneous lights; whereas it appears more probable, that upon the first dispersion of mankind from the plains of Shinar, where the habits of civilized life must have prevailed, the most attractive climates would direct the lines of migration, and that early colonies proceeding to the eastward, through tracts of fertile country, would, without sinking into barbarism, soon spread into the luxuriant regions of India, where the rich abundance of the soil would speedily lead them to the arrangements of regular society. For countries extremely productive of the bounties of nature, seem to ripen the ideas of men, in some respects, with a quickness analogous to the rapidity of their vegetation; and where enjoyments are profusely offered, a certain degree of refinement will easily take place, and rights

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CHAP. IV.

Inquiry for improving the Condition of our Asiatic Subjects.

Inquiry into the Measures which might be adopted by Great Britain, *for the Improvement of the Condition of her* Asiatic *Subjects; and Answers to Objections.*

WE now proceed to the main object of this work, for the sake of which all the preceding topics and discussions have been brought forward,—an inquiry into the means of remedying disorders, which have become thus inveterate in the state of society among our Asiatic subjects, which destroy their happiness, and obstruct every species of improvement among them.

That it is in the highest degree desirable, that a healing principle should be introduced, no man surely will deny. Supposing it to be in our power to convince them of the criminality of the annual sacrifice of so many human victims on the funeral pile; of the profession of robbery, comprehending murder; of the indulgence of one class of people in the whole catalogue of flagitious crimes, without any adequate punishment; of the forfeiture of the lives of others, according to their institutes, for the merest trifles; of the arbitrary imposition of burthensome rites, devoid of all moral worth; of the pursuit of revenge, by offerings to vindictive deities; of the establishment of lying, false evidence, gaming, and other immoralities, by law; of the pardon of capital offences for money; of trying to purchase the expiation of wilful and habitual iniquity, by ceremonial observances; and of the worship of stocks, stones, impure and malevolent deities; no man living, surely, would affirm that we ought, that we are at liberty, to withhold from them this conviction.

Are we bound for ever to preserve all the enormities in the Hindoo system? Have we become the guardians of every monstrous principle and practice which it contains? Are we pledged to support, for all generations, by the authority of our government and the power of our arms, the miseries which ignorance and knavery have so long entailed upon a large portion of the human race? Is this the part which a free, a humane, and an enlightened nation, a nation itself professing principles diametrically opposite to those in question, has engaged to act towards its own subjects? It would be too absurd and extravagant to maintain, that any engagement of this kind exists; that Great Britain is under any obligation, direct or implied, to uphold errors and usages, gross and fundamental, subversive of the first principles of reason, morality, and religion.

If we had conquered such a kingdom as Mexico, where a number of human victims were regularly offered every year upon the altar of the Sun, should we have calmly acquiesced in this horrid mode of butchery? Yet for near thirty years we have, with perfect unconcern, seen rites, in reality more cruel and atrocious, practised in our Indian territories. If human life must be sacrificed to superstition, at least the more useless, worthless, or unconnected members of the society might be devoted. But in Hindostan, mothers of families are taken from the midst of their children, who have just lost their father, also, and by a most diabolical complication of force and fraud, are driven into the flames.

Shall we be in all time to come, as we hitherto have been, passive spectators of this unnatural wickedness? It may indeed well appear surprising that in the long period during which we have held those territories, we have made no serious attempt to recal the Hindoos to the dictates of truth and morality. This is a mortifying proof how little it has been considered, that the ends of

of property be understood, though the facility of acquisition will not be favourable to the spirit of improvement, and there may be vices in the political constitution which will absolutely limit its progress.

With respect to the Braminical system of religion, law, and science, from which the strongest arguments for a long progressive course of refinement are deduced, reason has of late been given us to believe, that the elements of them did not spring up in Hindostan, but were derived from a source nearer to the original seat of the post-diluvian race. (See, in the Asiatic Researches, the papers of Sir William Jones, concerning the Hindoos.) But whatever the origin, or extent of knowledge among the Hindoos might be, it was, as we have seen, monopolized and concealed by the Brahmins. It spread little light among the great body of the people, and it is incorrect to refer to the whole nation, what only the priests possessed and guarded as a mystery. So with respect to the accumulations of wealth, which the nation enjoying abundant produce, and having few wants, might at length contain, it would centre with the Princes, Brahmins, and some of the chief persons of the other tribes. There might be numerous armies, splendid retinues and establishments, appertaining to the great, with a profusion of jewels and effeminate finery, in which these people delight; there would be many superb richly endowed pagodas, astonishing for their workmanship and cost, there would be great bodies of indolent well appointed priests, troops of buffoons, players, and dancers, the last belonging to the temples as well as the court; and all these appearances, with the general face of a country ever verdant and luxuriant, would strike the imagination of a stranger, especially if his business were with the metropolis, like that of Megasthenes, from whose superficial account of a country then little known, the opinions of the ancients seem to have been formed. But there is no reason to believe, that wealth was diffused freely through all the body politic; the *head* and *arms* might be enlarged, but the other parts would retain nearly their original size. There is no reason, in short, to believe, that the common people ever lived upon any thing but rice, or other inferior grain; ever wore any thing but a cincture, or at best a slight half covering of ordinary cotton cloth; or ever inhabited any better dwellings than low inconvenient huts, with matted or mud walls, and straw roofs. Such is the present style, and such in all probability it ever has been, not because the people preferred this, but because they had no choice.

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of government, and the good of society, have an inseparable connection with right principles. We have been satisfied with the apparent submissiveness of these people, and have attended chiefly to the maintenance of our authority over the country, and the augmentation of our commerce and revenues; but have never, with a view to the promotion of their happiness, looked thoroughly into their internal state.

If then we ought to wish for the correction of those criminal habits and practices which prevail among them, it cannot reasonably be questioned, that we ought also to make allowable attempts for this end; and it remains therefore only to consider in what manner this design may be best pursued.

Shall we resort to the power we possess, to destroy their distinctions of castes, and to demolish their idols? Assuredly not. Force, instead of convincing them of their error, would fortify them in the persuasion of being right; and the use of it, even if it promised happier consequences, would still be altogether unjust.

To the use of reason and argument, however, in exposing their errors, there can be no objection. There is indeed the strongest obligation to make those errors manifest, since they generate and tend to perpetuate all the miseries which have been set forth, and which our duty, as rulers, instead of permitting us to view with silent indifference, calls upon us by every proper method to prevent.

The true cure of darkness, is the introduction of light. The Hindoos err, because they are ignorant; and their errors have never fairly been laid before them. The communication of our light and knowledge to them, would prove the best remedy for their disorders; and this remedy is proposed, from a full conviction that if judiciously and patiently applied, it would have great and happy effects upon them, effects honourable and advantageous for us.

There are two ways of making this communication: the one is, by the medium of the languages of those countries; the other is, by the medium of our own. In general, when foreign teachers have proposed to instruct the inhabitants of any country, they have used the vernacular tongue of that people, for a natural and necessary reason, that they could not hope to make any other mean of communication intelligible to them. This is not our case in respect of our Eastern dependencies. They are our own, we have possessed them long, many Englishmen reside among the natives, our language is not unknown there, and it is practicable to diffuse it more widely. The choice therefore of either mode, lies open to us; and we are at liberty to consider which is entitled to a preference. Upon this subject, it is not intended to pass an exclusive decision here; the points absolutely to be contended for are, that we ought to impart our superior lights, and that this is practicable; that it is practicable by two ways, can never be an argument why neither should be attempted. Indeed no great reason appears why either should be systematically interdicted, since particular cases may recommend, even that which is in general least eligible.

The acquisition of a foreign language is, to men of cultivated minds, a matter of no great difficulty. English teachers could therefore be sooner qualified to offer instruction in the native languages, than the Indians would be prepared to receive it in ours. This method would hence come into operation more speedily than the other; and it would also be attended with the advantage of a more careful selection of the matter of instruction. But it would be far more confined and less effectual; it may be termed a species of deciphering. The decipherer is required to unfold, in intelligible words, what was before hidden. Upon every new occasion, he has a similar labour to perform, and the information obtained from him is limited to the single communication then made. All other writings in the same character, still remain, to those who are ignorant of it, unknown; but if they are taught the character itself, they can at once read every writing in which it is used. Thus superior, in point of ultimate advantage, does the employment of the English language appear; and upon this ground, we give a preference to that mode, proposing here, that the communication of our knowledge shall be made by the medium of our own language. This proposition will bring at once to trial, both the principle of such communication, and that mode of conveyance which can alone be questioned; for the admission of the principle must at least include in it the admission of the narrowest means suited to the end, which we conceive to be the native languages. The principle, however, and the mode, are still distinct questions, and any opinion which may be entertained of the latter, cannot affect the former; but it is hoped, that what shall be offered here concerning them, will be found sufficient to justify both.

We proceed then to observe, that it is perfectly in the power of this country, by degrees, to impart to the Hindoos our language; afterwards through that medium, to make them acquainted with our easy literary compositions, upon a variety of subjects; and, let not the idea hastily excite derision, *progressively* with the simple elements of our arts, our philosophy and religion. These acquisitions would silently undermine, and at length subvert, the fabric of error; and all the objections that may be apprehended against such a change, are, it is confidently believed, capable of a solid answer.

The first communication, and the instrument of introducing the rest, must be the English language; this is a key which will open to them a world of new ideas, and policy alone might have impelled us, long since, to put it into their hands.

To introduce the language of the conquerors, seems to be an obvious mean of assimilating the conquered people to them. The Mahomedans, from the beginning of their power, employed the Persian language in the affairs of government, and in the public departments. This practice aided them in maintaining their superiority, and enabled them, instead of depending blindly on native agents, to look into the conduct and details of public business, as well as to keep intelligible registers of the income and expenditure of the state. Natives readily learnt the language of government, finding that it was necessary in every concern of

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revenue and of justice; they next became teachers of it; and in all the provinces over which the Mogul Empire extended, it is still understood, and taught by numbers of Hindoos.

It would have been our interest to have followed their example; and had we done so on the assumption of the Dewannee, or some years afterwards, the English language would now have been spoken and studied by multitudes of Hindoos throughout our provinces. The details of the revenue would, from the beginning, have been open to our inspection; and by facility of examination on our part, and difficulty of fabrication on that of the natives, manifold impositions of a gross nature, which have been practised upon us, would have been precluded. An easy channel of communication also, would always have been open between the rulers and the subjects; and numberless grievances would have been represented, redressed, or prevented, which the ignorance of the former in the country languages, and the hindrances experienced by the latter in making their approaches, have sometimes suffered to pass with impunity, to the encouragement of new abuses. We were long held in the dark, both in India and in Europe, by the use of a technical revenue language; and a man of considerable judgment, who was a member of the Bengal administration near twenty years since, publicly animadverted on the absurdity of our submitting to employ the unknown jargon of a conquered people. It is certain, that the Hindoos would easily have conformed to the use of English; and they would still be glad to possess the language of their masters, the language which always gives weight and consequence to the natives who have any acquaintance with it, and which would enable every native to make his own representations directly to the Governor-general himself, who, it may be presumed, will not commonly, henceforth, be chosen from the line of the Company's servants, and therefore may not speak the dialects of the country. Of what importance it might be to the public interest, that a man in that station should not be obliged to depend on a medium with which he is unacquainted, may readily be conceived.

It would be extremely easy for government to establish, at a moderate expense, in various parts of the provinces, places of gratuitous instruction in reading and writing English: multitudes, especially of the young, would flock to them; and the easy books used in teaching, might at the same time convey obvious truths on different subjects. The teachers should be persons of knowledge, morals and discretion; and men of this character could impart to their pupils much useful information in discourse: and to facilitate the attainment of that object, they might at first make some use of the Bengalese tongue. The Hindoos would, in time, become teachers of English themselves; and the employment of our language in public business, for which every political reason remains in full force, would, in the course of another generation, make it very general throughout the country. There is nothing wanting to the success of this plan, but the hearty patronage of government. If they wish it to succeed, it can and must succeed. The introduction of English in the administration of the revenue, in judicial proceedings, and in other business of government, wherein Persian is now used, and the establishment of free-schools for instruction in this language, would insure its diffusion over the country, for the reason already suggested, that the interest of the natives would induce them to acquire it. Neither would much confusion arise, even at first, upon such a change: for there are now a great number of Portuguese and Bengalese clerks in the provinces, who understand both the Hindostanny and English languages. To employ them in drawing up petitions to government, or its officers, would be no additional hardship upon the poorer people, who are now assisted in that way by Persian clerks; and the opportunity afforded to others who have sufficient leisure, of learning the language of the government gratuitously, would be an advantage never enjoyed under Mahomedan rulers.

With our language, much of our useful literature might, and would, in time, be communicated. The art of Printing, would enable us to disseminate our writings in a way the Persians never could have done, though their compositions had been as numerous as ours. Hence the Hindoos would see the great use we make of reason on all subjects, and in all affairs; they also would learn to reason, they would become acquainted with the history of their own species, the past and present state of the world; their affections would gradually become interested by various engaging works, composed to recommend virtue, and to deter from vice; the general mass of their opinions would be rectified; and above all, they would see a better system of principles and morals. New views of duty as rational creatures would open upon them; and that mental bondage in which they have long been holden would gradually dissolve.

To this change, the true knowledge of nature would contribute; and some of our easy explanations of natural philosophy might undoubtedly, by proper means, be made intelligible to them. Except a few Brahmins, who consider the concealment of their learning as part of their religion*, the people are totally misled as to the system and phenomena of nature; and their errors in this branch of science, upon which divers important conclusions rest, may be more easily demonstrated to them, than the absurdity and falsehood of their mythological legends. From the demonstration of the true cause of eclipses, the story of *Ragoo*, and *Ketoo*, the dragons, who when the sun and the moon are obscured are supposed to be assaulting them, a story which has hitherto been an article of religious faith, productive of religious services among the Hindoos†, would fall to the ground; the removal of one pillar, would weaken the fabric of falsehood; the discovery of one palpable error, would open the mind to farther conviction; and the progressive discovery of truths, hitherto unknown,

* Page 38.

† Page 51; and Bernier, Tome II. page 102.

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unknown, would dissipate as many superstitious chimeras, the parents of false fears, and false hopes. Every branch of natural philosophy might in time be introduced and diffused among the Hindoos. Their understandings would thence be strengthened, as well as their minds informed, and error be dispelled in proportion.

But perhaps no acquisition in natural philosophy would so effectually enlighten the mass of the people, as the introduction of the principles of mechanics, and their application to agriculture and the useful arts. Not that the Hindoos are wholly destitute of simple mechanical contrivances. Some manufactures, which depend upon patient attention and delicacy of hand, are carried to a considerable degree of perfection among them; but for a series of ages, perhaps for two thousand years, they do not appear to have made any considerable addition to the arts of life. Invention seems wholly torpid among them; in a few things, they have improved by their intercourse with Europeans, of whose immense superiority they are at length convinced; but this effect is partial, and not discernible in the bulk of the people. The scope for improvement, in this respect, is prodigious.

What great accessions of wealth would Bengal derive from a people intelligent in the principles of agriculture, skilled to make the most of soils and seasons, to improve the existing modes of culture, of pasturage, of rearing cattle, of defence against excesses of drought, and of rain; and thus to meliorate the quality of all the produce of the country. All these arts are still in infancy. The husbandman of Bengal just turns up the soil with a diminutive plough, drawn by a couple of miserable cattle; and if drought parches, or the rain inundate the crop, he has no resource; he thinks he is destined to this suffering, and is far more likely to die from want, than to relieve himself by any new or extraordinary effort. Horticulture is also in its first stage: the various fruits and esculent herbs, with which Hindostan abounds, are nearly in a state of nature; though they are planted in inclosed gardens, little skill is employed to reclaim them. In this respect likewise, we might communicate information of material use to the comfort of life, and to the prevention of famine. In silk, indigo, sugar, and in many other articles, what vast improvements might be effected by the introduction of machinery. The skilful application of fire, of water, and of steam, improvements which would thus immediately concern the interest of the common people, would awaken them from their torpor, and give activity to their minds. At present it is wonderful to see how entirely they resign themselves to precedent: *custom* is the strongest law to them. *Following implicitly*, seems to be instinctive with them, in small things as well as great. The path which the first passenger has marked over the soft soil, is trodden so undeviatingly in all its curves, by every succeeding traveller, that when it is perfectly beaten, it has still only the width of a single track.

But undoubtedly the most important communication which the Hindoos could receive through the medium of our language, would be the knowledge of our religion, the principles of which are explained in a clear, easy way, in various tracts circulating among us, and are completely contained in the inestimable volume of Scripture. Thence they would be instructed in the nature and perfections of the one true God, and in the real history of man; his creation, lapsed state, and the means of his recovery, on all which points they hold false and extravagant opinions; they would see a pure, complete, and perfect system of morals and of duty, enforced by the most awful sanctions, and recommended by the most interesting motives; they would learn the accountableness of man, the final judgment he is to undergo, and the eternal state which is to follow. Wherever this knowledge should be received, idolatry, with all the rabble of its impure deities, its monsters of wood and stone, its false principles and corrupt practices, its delusive hopes and vain fears, its ridiculous ceremonies and degrading superstitions, its lying legends and fraudulent impositions, would fall. The reasonable service of the only, and the infinitely perfect God, would be established: love to him, peace and good-will towards men, would be felt as obligatory principles.

It is not asserted, that such effects would be immediate or universal; but admitting them to be progressive, and partial only, yet how great would the change be, and how happy at length for the outward prosperity, and internal peace of society among the Hindoos! Men would be restored to the use of their reason; all the advantages of happy soil, climate, and situation, would be observed and improved; the comforts and conveniences of life would be increased; the cultivation of the mind, and rational intercourse, valued; the people would rise in the scale of human beings; and as they found their character, their state, and their comforts, improved, they would prize more highly, the security and the happiness of a well ordered society. Such a change would correct those sad disorders which have been described, and for which no other remedy has been proposed, nor is in the nature of things to be found.

Desirable as it must be that such animating prospects were realized, and reasonable as the grounds on which they are held out are presumed to be, it is nevertheless probable, that various objections, more or less plausible, may be started against all that has been advanced. These objections, as far as they are foreseen, shall now be distinctly met; and it is hoped, that upon examination, none of them will be found to possess that substance and validity, which we are entitled to require in arguments opposed to a scheme resting on principles the most incontrovertible, and having for its end the most diffusive good.

First. The plan here proposed, presenting so new an association of ideas, so strange a revolution, as the abject Bengalese using the language and the light of Europe, may upon the very suggestion of it, be treated as in its nature *idle*, *visionary*, and *absurd*.

But this would be the decision of prejudice, rather than the conclusion of mature reflection and reason. If the character of the Hindoos proceeded only from a physical origin, there might be some foundation for thinking it unalterable; but nothing is more plain, than that

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that it is formed chiefly by moral causes, adequate to the effect produced: if those causes therefore can be removed, their effect will cease, and new principles and motives will produce new conduct and a different character. It is unwarrantable to infer, that because the Hindoos, or to narrow the term, the Bengalese, are at present low in their sentiments, conduct, and aims, they must always remain so. We cannot presume from the past state of any people, with respect to improvement in arts, that they would, under different circumstances, for ever continue the same. The history of many nations who have advanced from rudeness to refinement, contradicts such an hypothesis; according to which, the Britons ought still to be going naked, to be feeding on acorns, and sacrificing human victims in the Druidical groves. In fact, what is now offered, is nothing more than a proposal for the further civilization of a people, who had very early made a considerable progress in improvement; but who, by deliberate and successful plans of fraud and imposition, were rendered first stationary, then retrograde. These considerations alone, forbid us to assume, that if they were released from the darkness and stupefaction of ignorance and superstition, the human mind could not among them, regain some ordinary degree of elasticity; or that if light shone upon them, they would still be incapable of seeing or judging for themselves. Let it however be again observed, that the argument maintained here supposes only a *gradual* change. If we bring into *immediate* contrast, the *present state* of the Hindoos, and the *full, general, accomplishment* of such a change, tacitly sinking in our comparison, a long series of years, and of slow progressive transitions, we shall indeed form to ourselves a picture of egregious contrarieties, but it will not be a just representation. Nothing is contended for, which cannot be supported from the nature of man, and the experience of past ages.

Second. Nearly allied to the objection now considered, is another which some persons acquainted with the Hindoo character and habits, and possibly apologists for them, may derive from the *attachment of that people to their own modes and customs.* "If," may it be said, "the Bengalese are not to be reckoned below the reach of instruction, and incapable of "new perceptions and views, still their attachment to long established opinions and usages, "is so rooted, as to form an *insuperable obstacle* to such an innovation as is proposed; and "therefore the scheme may at least be regarded as *impracticable.*"

Is this argument however, quite philosophical? Must it be granted, without fair trial, that there is any portion of the human race, upon which reason and science can have *no* influence, which is doomed by nature to perpetual ignorance and prejudice? It is true that the Hindoos have a strong predilection for their system; but still it must be remembered, that in the bulk of the people, this is a predilection consequent of a privation of light, and riveted by the errors which darkness generates, not an attachment which has resisted the light, or has ever been tried by it. Many Europeans have implicitly adopted an overstrained notion of the immutability of Hindoo opinions in matters of religion, and of the obstinacy of the people in retaining their own practices, even in civil life. But if we look to facts, we shall find that a variety of sects have prevailed, and still prevail, among them. The rise, especially of the *Seeks*, a new religious order, numerous and powerful, who have abjured the Brahminical faith, is sufficient to evince that the Hindoos are capable of considerable fluctuations of opinion. Hitherto indeed they have more commonly fluctuated only from one delusion to another; though it must be allowed, that the system of the *Seeks*, if the accounts which have been received of it are accurate, is comparatively simple and rational; and we cannot without wonder behold a set of Hindoos casting off at once, in the heart of their country, the whole load of Brahminical incumbrances, and as it should seem, renouncing polytheism and the worship of images*. A sight far more pleasing has also been exhibited to us, in the conversion of Hindoos to the divine religon of the Gospel. These were not encouraged by an armed protection, or actuated by the prospect of conquest, which may have stimulated the followers of the *Seeks*; but in opposition to the allurements and terrors of the world, they yielded to conviction, and rendered homage to the truth. This important fact, which is perfectly established, it may suffice barely to state here, since there will be occasion, in speaking to a following objection, to which it more pointedly applies, to enlarge upon it. When we read of these things on the one hand, and on the other of the extremities which Hindoos have sometimes endured through the bigotry of their Mahomedan masters, or from the pressure of misfortune, rather than submit to apprehended contamination, what is the inference fairly deducible from these dissimilar views but this, that whether the dread either of dishonour in this life, or of degradation in the next transmigration; whether resentment, or the idea of acquiring distinguished merit, were the principle from which these people suffered, still what terror could not induce them, misguided as they were by false notions, to relinquish, they yielded voluntarily to reason and persuasion.

If we now turn to instances of a more familiar nature, in the affairs of common life, here too actual experience will inform us, that it is not insuperably difficult to induce the Indians to depart from old established practices, and to adopt new ones. One or two cases of pre-eminent magnitude and notoriety will suffice to confirm this position. Raw-silk, as is well known, has been for many years a great article of commerce in Bengal. The natives had their own methods of winding it, and much attachment to those methods, defective as they were. The India Company attempted to introduce the Italian mode of winding this article, a mode more complex, but far more perfect; they have completely succeeded, and that mode is now practised in all parts of the country. So again with respect to the culture and manufacture of indigo, which the skill and industry of Europeans have, within these last twelve

* See Mr. Wilkins's account of the *Seeks*, in the first volume of the Asiatic Transactions.

twelve years, introduced into Bengal, and have now rendered an immense article of commerce between that country and Europe: the natives, though possessed of the indigo plant, from which their dyers extracted a very inferior substance for domestic purposes, held the culture of it rather in disesteem, and had no idea of those modes, and that scale of manufacture, of which the Europeans gave them examples; but those examples they now begin to follow on their own account, and there is reason to believe the Hindoos will come in for a share of the produce of this article in the London markets. Be it acknowledged then, that they are now incurious, and without love of learning; yet make it their interest, and they will attend to new discoveries; make it easy for them also to know the English language, and they will acquire it; show them profitable improvements in agriculture and the arts, and they will imitate them; make it in short their interest, and why may they not become *in time* students, and even teachers of natural philosophy?

Let not the idea be hastily treated as chimerical, if we add that the India Company possessing the revenues of a great country, might very beneficially for themselves and that country, set the example in introducing such improvements. It would be worthy of them to turn their attention to this fruitful subject, to employ skilful artists of various kinds in ascertaining what improvements are practicable, and in carrying plans for them into execution. Were such a design to be taken up, with due zeal, by the Company, and their governments abroad, the expense and labour would assuredly be repaid in the end, probably by specific returns, but certainly by the augmentation of the agriculture and commerce of the country, and the general effects upon society. In like manner, if *after the English language began to be diffused,* seminaries, with suitable apparatus, were instituted, for gratuitous instruction in natural philosophy, and premiums assigned to those who should excel, young persons, both Hindoos and Mahomedans, would become students and candidates; and if those who were found competent, were at length to be taken as assistant teachers, with suitable salaries, such a measure would prove a new and powerful means of establishing this species of knowledge. If a kind, patient, and encouraging conduct, were observed towards the Hindoos; that contempt with which Europeans in general regard them, restrained; and their first inaptitude borne with; it cannot be irrational to expect, that in things which come home to their business and interest, which respect the truths of nature, and the improvments of art, such a conduct should be productive of success. Many of the Hindoos and Mahomedans are brought up to the ready practice of writing and accounts; and persons of this class might be more easily carried on further.

THIRD. It may be objected, with more plausibility, that the *Brahmins, by their determined opposition to innovations, which would so essentially affect their interests, would prevent the introduction or success of them.*

It is certainly natural to suppose, that they could not look with indifference upon any attempt *from which they might apprehend danger,* to that system whence they "have their "wealth," their honour, and their influence. It shall be readily admitted therefore, that *upon any serious alarm* for the stability of these distinctions, such opposition as should be within the power of that order of men might be expected. But though it will be proper to consider the effect of that opposition, and the force of the objection grounded upon it, we must previously maintain that it can constitute no reason at all against endeavouring, by prudent and pacific means, to make the truth known; for to admit this, would be to make the resistance of those who profit by abuses, an argument for continuing to tolerate them, and upon the same principle, Christianity had never been propagated.

To objections of a prudential or political kind, it is one main design of this piece to oppose answers founded on considerations of a like nature; and we venture to believe, that if the cause here pleaded for, rested on this ground alone, it could have nothing to fear. But the employment of political arguments does not oblige us to decline the use of others justly applicable to the subject; and upon the present occasion, it would be strange to omit one of decisive weight, which flows from the very nature and principles of Christianity.

The divine authority of that religion, its unrivalled excellence, and incomparable fitness to promote the happiness of man, its whole tenor, and many particular injunctions and encouragements which it holds forth, impose upon those who profess subjection to it, the duty of contributing to diffuse, by all proper methods, the knowledge and influence of it in the world. No man who takes the Gospel as the standard of his reasoning, can for a moment dispute this position; to deny it, would be virtually to deny the authority of Christ, and therefore it will not be expected, that we should enter here into the proof of a position which rests upon the truth of Christianity itself. But affirming as we may with perfect right, the validity of this argument, it will apply to communities as well as individuals; the duty is incumbent upon this nation, and it is augmented two-fold by the addition of that which we owe to the misguided Pagans who are become our subjects.

Having asserted the regard due to this important argument, let us proceed, in the next place, to examine how far the present objection is warranted, in ascribing so great an efficacy to the opposition of the Brahmins; or, in other words, to inquire into the extent and probable amount of their counter-action, *still supposing their resistance to be strongly excited;* for here it will be proper to remark, that in general where they see no indication of *persecution,* they are not likely to feel any alarm. As the more learned and ingenious of them lead a retired life, inattentive to novelties, so the rest, chiefly men busied in worldly concerns, possess the confidence which often belongs to deluded ignorance. They know that their system is held by numerous nations. They believe from their legends, that it always has been, and always will be so. They possess the same spirit as that Pagan votary of old, who felt himself quoting a fact of universal notoriety and authority, sufficient to appease a popular tumult,

tumult, when he affirmed that the image of the great goddess Diana fell down from Jupiter. When therefore they see a few simple foreigners offering "certain strange things" to the ears of their people, they may be ready secretly, if not to use the language of the conceited Athenians, yet to say with a more ancient scoffer, "what do these feeble Jews?" Still less will the people be apprehensive about consequences. And whilst things continue in this state, it will be the business of Christian teachers to confine themselves chiefly to the positive declarations of the Gospel, giving no occasion for an imputation which indeed they should never wish justly to incur, that of being "blasphemers," or resorting to abusive language in speaking of the Hindoo gods, or the Hindoo absurdities. They have greater themes; "temperance, righteousness, and judgment to come;"—the noble topics brought forward by St. Paul to the superstitious Athenians. "God that made the world ..... "the Lord of Heaven and Earth, who is not worshipped with men's hands ..... who "giveth to all, life, and breath, and all things ..... in whom we live, move, and have our "being ..... And that forasmuch as we are the offspring of God, we ought not to think "that the godhead is like unto gold, or silver, or stone graven by art and man's device ..... "And the times of this ignorance God winked at; but now commandeth all men, every "where to repent; because he hath appointed a day in which he will judge the world in "righteousness, by that man whom he hath ordained; whereof he hath given assurance "unto all men, in that he hath raised him from the dead."

If by such doctrines as these, or the fruits of them, resentment and opposition should be provoked, let us now consider what the utmost activity of opposition so stimulated could effect. Usually true religion has been combated, and false religions have been upheld, either by fraud or force, or by both. What artifice, imposture, misrepresentation, and vicious indulgence have not been able to effect, persecution and the coercion of the secular power have been called in to accomplish. False religion shuns fair examination; before this test it cannot stand. Such is the force of truth, that on the first promulgation of Christianity, it prevailed against all the deceits, impositions, ignorance, prejudice, and prescriptive authority of the ancient superstition, aided by the utmost cruelties that tyrannic governments could inflict. Now in the present case, the Brahmins will not possess the instrument most effectual for the support of religious error and imposture, that is, the power of the sword. They may be able to strengthen indisposition to new opinions by their personal influence, by availing themselves of traditional respect and existing habits, by venting calumnies, by denouncing spiritual judgments, especially that most formidable of their punishments, loss of caste; and it shall be granted, that these expedients may be sufficient to narrow the avenues, and retard the progress of truth. Such obstructions are to be contended with only by patient perseverance, maintained on Christian principles. But with these expedients, the means of opposition end; and if all such means have not prevented many Hindoos, even of the superior orders, on the Coast of Coromandel, from embracing the doctrine preached by a few humble Europeans, without national or local consideration, why should it be thought that pious, discreet, intelligent teachers, should have no success in Bengal, where the full establishment of our authority must at least secure the national religion from open contempt or disrespect. In that country, the gross absurdities of Heathenism have never yet been clearly exposed, and their abettors would find themselves extremely at a loss to defend by argument, assumptions wholly destitute of evidence, internal and external. Indeed how is it possible to justify to the common sense and imperfect natural light of men, the monstrous actions ascribed to the deities of the Hindoos, the immoral tenets established by the Hindoo system, and the immoral practices which they are used to sanction? These things could not stand before the pure and heart-searching word of God, which recommended by the lives of those who declared it, could not fail to make a powerful impression; especially as the Hindoos, who easily suppose the authenticity of other systems of religion, (thus with Pagan latitude concluding the certainty of that which they hold to be peculiarly assigned to them,) would not be inclined to controvert the truth of ours, and therefore would be reduced to the task of proving that their own is of divine authority. And the great difference between this kind of contest, and the religious controversies which have usually prevailed in Europe, ought to be considered. For here the dispute has commonly been, which of two contrary systems or tenets was the right one, and entitled to general acceptance. But the Hindoos do not wish for proselytes; they cannot receive any: on the other hand, Christian teachers neither able nor desirous to resort to any kind of compulsion, would be confined to a quiet exposition of the truths of their own system, and of the errors of Heathenism. From such a state of things no violent contention could easily arise. If finding excommunication insufficient to deter Hindoos from embracing Christianity, the Brahmins should attempt to follow with persecution those who had been converted, the calm interposition of the civil government to prevent such an infraction of justice and good order, would be sufficient. And if natives acknowledging from conscience the Christian revelation, at the hazard of sacrifices which the confession of it might require, were thereby rendered more honest, more faithful, and upright, would this be any injury to society? Need we ask whether it would make them better servants and agents, make them more useful and valuable in all the relations of life? Would not such persons be a real accession to European masters; and must it not be supposed, that men professing Christianity, whose interest would be promoted by employing such converts, would not reject them, upon a principle which even Paganism could not justify, that is, because they had honestly followed their convictions? In this way the great terror of excommunication would be obviated; for it is in the loss of employment, the want of subsistence, and protection, that its great evil consists. Let it not be said, that such views might tempt natives hypocritically to assume the profession of Christianity who would afterwards disgrace it. The truth is not

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to be kept back, nor a credible profession of it discouraged, because it may be thus abused; and those who should act so dishonestly, would generally soon find themselves despised by all parties.

Thus it is hoped a satisfactory answer has been offered to the objection now under consideration, even when admitted in its strongest form; that is, in supposing the great question respecting religion to be brought into early and direct controversy. Of such a collision of systems however, for some considerable time to come, the probability may, from the observations which have been advanced, be reasonably doubted; and if the more gradual process here assumed, a process by the concurring extension of the English language, should be followed, additional aids will, in the mean while, arise to the argument we maintain. That extension for instance, and the employment of the language in public business, cannot be disputed by the Brahmins; for how could they deny the same obedience to our government which they formerly yielded to the Mahomedan, and in a matter on which it is solely the province of government to decide? Brahmins themselves have spoken English for a century past; many of them now speak it; and no religious plea can therefore be henceforth advanced against the use of it. Improvements in manufactures and the arts, the Brahmins could not exclude; for in the adoption of some such improvements introduced by Europeans, they have also joined. The true system of natural philosophy, demonstrable as it is to the sight by machines, could be communicated to the Mahomedans, through whom it would have a wide diffusion, even if the Brahmins could prevent all Hindoos from attending to it, which is not to be imagined; nor could such an expedient occur to them until the progress of light had made an impression. That progress it is probable, would operate silently with persons who would not choose to encounter the painful feelings attendant on the dereliction of caste; and in this way, without any great external change which should excite alarm, a gradual enlargement of views and opinions, guided by that spirit of order and obedience which the Gospel eminently inculcates, and operating rather to the prevention of any vehement conflict of opinions, might take place, to the true happiness, as far as it went, of all parties.

Fourth. It may possibly occur to some of the readers of this tract, that the *Portuguese of India, many of whom speak English, are nevertheless still a vicious and contemptible race.*—There are among them, it must be admitted, many who cannot be cleared from this imputation. These men, descendants of the Portuguese soldiers and free-booters of a rude age, and of the lowest Bengalese women, born in the meanest stations, dispersed under governments foreign to them, adopted by no other class of society, commonly without education, retaining only the errors of the Roman Catholic persuasion, grow up in ignorance, immorality, and superstition, like the Heathen around them; and if they know the English language, it is but imperfectly and colloquially. They cannot be referred to as specimens of the effects of Christianity, any more than some of the Indians of America, for they understand and possess hardly any thing of it beyond the name. But there is another description of persons ranking under the general denomination of Portuguese, more respectable; persons of some education, who are clerks, traders, or merchants. These are often men of decent lives and tolerable information; they are, in some degree, an improving set of people, and have clearly profited from their acquaintance and intercourse with Europeans, particularly the English. Now the proposed plan of communicating instruction to the Hindoos, through the medium of our language, does not suppose that the vilest out-casts of society are first to be selected for the purpose, or that a new name merely is to be imparted, but that men of substance and consideration, men employed in the affairs of government, connected with the revenues and with the administration of justice, will procure for their children, if not for themselves, the knowledge of a tongue which will then be necessary in transacting business; and that the instruction to be conveyed by this, or any other vehicle, shall be important and practical.

Fifth. Another objection may arise from *the result of the direct attempts which have been made to enlighten the Hindoos*, by the preaching of the Christian religion: It has been said by some, that *the success of such attempts has been very small, and has been confined to the Parriars and others of the lowest castes.* This statement is, in the first place, very erroneous; and in the next, to infer from it the impracticability of extending, by any efforts however strenuous, by any means however prudent, and under any circumstances however favourable, the influence of Christianity in Hindostan, would be altogether illogical and fallacious. Little stress shall be laid here upon the attempts of Roman Catholics; for it must be confessed, that though they made numerous converts, they too often only changed one set of ceremonies and images for another. Yet it must also be abmitted, that the Romish establishments in Europe have shown a zeal in this matter, much superior to that of any of the Protestant nations; and that Xavier, who traversed a great part of the coasts and islands of India, about the beginning of the sixteenth century, and appears to have been a pious indefatigable man, planted the Gospel in various places, in a way that might have led to a large extension of it, if his labours and zeal had been well seconded. The efforts of the Dutch to establish Christianity in their Indian settlements, as being made under circumstances more similar to our own, may deserve greater attention. There was, in the earlier periods of that republic, a very laudable spirit in the government at home for the promotion of this object, and the number of native Christians in their colonies abroad was very considerable. Baldæus, the author of the History of Ceylon, a person of great credit, who was one of the Dutch ministers there in the last century, and wrote from his own knowledge, has stated that in the year 1663, the Christians in the province of Jaffna-

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patnam*, amounted (exclusive of slaves) to sixty-two thousand, many of whom must no doubt have been educated in the Romish churches, which the Portuguese had founded there; but it is extremely worthy of remark, that this author declares the number of *children in the schools*, maintained by the Dutch government, to have risen at the time of his departure from the island, *to eighteen thousand.*

The learned John Leusden, Professor of Hebrew at Utrecht, about the end of the last century, produced several letters from his correspondents, which gave the following further accounts of the state of Christianity in the Dutch possessions in Ceylon. "Mr. Herman "Specht, minister of the Gospel at Columbo, writes, that in the province of Jaffnapatnam, "without including Manaar, which appertains to it, there are, according to the last compu- "tation and the list sent thence to us, one hundred and forty-one thousand four hundred and "fifty-six Christians, who have five pastors to take care of them." The same Mr. Specht, in another letter from Columbo, dated January 6th, 1688, says, "the number of converted "Indians, who have embraced Christianity, is in the space of four years greatly increased; "for the province of Jaffnapatnam, subject only to the Dutch East India Company, hath "two hundred and seventy-eight thousand seven hundred and fifty-nine inhabitants; "among whom there are Indians professing to be Christians, one hundred and eighty-eight "thousand three hundred and sixty-four†." Another very respectable authority of the same period informs us, that "the Dutch East India Company maintain in the Indies, "thirty or forty ministers for the conversion of poor Infidels, who are under their dominion, "and are at the annual expense of £.10,000. for this purpose, and have hereby converted "*many hundred thousands of them to the true Christian faith*; and for the further propa- "gating of it, have lately erected a college in the Island of Ceylon, in which one place only "they have above eighty thousand converted Indians *upon the roll*, for whose use they print "bibles, catechisms, and many other books‡."

The Dutch Company however, it appears from recent information, never could get a sufficient number of ministers to undertake the work of propagating the Gospel in those countries, or even to serve the churches which had been founded in them; and in later times, the funds allotted for the support of those churches and of the clergy there, have been more and more curtailed; so that from want of labourers, of maintenance, and zeal, Christianity has greatly declined in most of the Dutch settlements, through the course of the last fifty years.

Nearer to our own days, the single Protestant mission which has been seriously prosecuted, that of the Danes at Tranquebar, under the patronage of the English Society for promoting Christian Knowledge, though extremely limited in its funds, and aided by little, if any, territorial or commercial influence, has produced solid and valuable effects, not among the lowest castes only, but among the Brahmins and Pandarims, persons of the highest order and greatest knowledge; and some of the converts have themselves become useful teachers to their countrymen. There has been, since the beginning of this century, a succession of zealous missionaries at Tranquebar, who by no other means than preaching the truth, and exposing the errors of Heathenism, have won multitudes over to the faith of Christ, and formed several respectable churches on the Malabar Coast §. The congregations of

* The inhabitants of Jaffnapatnam are Malabars, known to have come originally from the continent, and are a distinct people from the Cingalese, who possess the rest of the island, and follow the religion of *Boude*, or *Bhoudda*, whom the Brahmins treat as a heretic; whilst some learned Europeans are inclined with great appearance of reason to believe, that his religion, which prevails over many countries of the East, is more ancient in India than the Brahminical system. He is mentioned by Jerome, Clemens Alexandrinus, and other authors of antiquity, and is now held to be the same as the *Sommonacodom* of Siam, the *Foe* of China, and the *Saca* of Japan. See in the first volume of the Asiatic Transactions a curious and learned paper, which has relation to this subject, by *William Chambers*, Esq.

A premature and lamented death has since deprived learning and society of this excellent man, who to an exquisite skill in several Oriental languages, joined a very uncommon knowledge of Asiatic history and manners. But these qualities were in him only themes of inferior praise. He exhibited, during a long residence in India, in all his relations, employments, and intercourses, a consistent and distinguished example of the Christian character; and from him, inquisitive and ingenious natives, both Mahomedans and Hindoos, with whom it was his practice often to converse, received at once just views and favourable impressions of Christianity. If the occasion had permitted, it would only have been doing justice to his name to place it in a far more conspicuous station than the present note assigns to it; and for this particular reason, among many others, that he was always a strenuous advocate for the diffusion of the Gospel in the East. He had himself begun, with great care, a translation of the Gospels into Persian. 1797.

† Millar's Propagation of Christianity, Vol. II. page 318, in which is cited *Mastricht*'s Theologica Theo-practica.——If it were asked, whether all these converts were sincere in their profession, it might be answered, that probably some were ignorant and some hypocritical; but so would the result be upon any large survey, even in Europe. Yet to have discarded the horrid idolatry and mythology of the Hindoos, and to come under the stated instructions of a pure and divine system, would be important changes.

‡ A proposal from the eminent Dean Prideaux to the Archbishop of Canterbury (Dr. Tennison) for the propagation of the Gospel in the English settlements in the East Indies, contained in a letter to his grace, dated the 20th January 1694-5. In this letter the Dean greatly complains of the indisposition of the English East India Company to the good work which he recommends. The Company, then under the management of Sir Josiah Child, must have much declined from its earlier zeal for the honour of religion.

See the *Life of Dean Prideaux.*

§ "The Danish mission of Tranquebar was very "highly extolled by several people here, (Colum- "bo in Ceylon) who at the same time assured "me, that had the Catholics in their endeavours "to propagate Christianity in India, conducted "themselves with equal gentleness, moderation, "and

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of native Christians under this mission, have indeed been diminished by the wars and calamities, which within the last twenty years have ravaged the Carnatic; but upon the whole, the number of converts made by it, in spite of all the opposing terror of exclusion from their own tribes, has been very considerable; and it may be asserted, upon unquestionable authority, that many of them have been truly sincere and earnest, living and dying in a manner worthy of the Christian profession. It is evident then, that the light of Christianity has not been held out by this mission without effect. Such is the force of eminent goodness, that the name of *Swartz* in particular, a missionary still living, who has laboured with a spirit truly apostolical for more than thirty years in that country, exposed to its hottest sun, and furnished only with the scantiest necessaries of life, is revered all over the peninsula of India, by Hindoos, Mussulmans, and Europeans. The Hindoo King of Tanjore, when dying, was solicitous to make him the guardian of his heir, and to put the whole management of affairs into his hands, a trust which he declined. The famous Hyder Ali received him as an envoy on the part of the English, and offered to take his word as the guarantee of a proposed engagement, when, as we have been assured, he would trust no one else; and Colonel Fullerton, who was commander of an English army in that country, though severe in his strictures upon others, has declared publicly, that Mr. *Swartz* singly had retrieved the European character in India. This mission, supported by men of such a stamp, has still real success in educating the young, and converting the adult, not to a new name only, but to a better life and conversation. And if the number of missionaries there were greater, it cannot reasonably be doubted, that the success would be proportionably increased.

The history of the Romish missions proves, that it is practicable to induce multitudes of the professors of Hinduism, to embrace a new faith. The present low state of Christianity, both in those missions, and in the Dutch establishments, is clearly to be ascribed, not to the determined adherence of the Indians to their own tenets, but to the remissness, indifference, and at length almost total neglect of the Europeans, whose too general disregard of the spirit and precepts of their own professed faith, is, it must be acknowledged, a hindrance of another kind, more lamentable and pernicious than all the rest put together; for had they generally lived conformably to their religion, Hindostan would at this time probably have been Christian.

The observation therefore of a late writer, that " notwithstanding the labours of mis- " sionaries for two hundred years, and the establishments of different Christian nations who " support and protect them, out of perhaps one hundred millions of Hindoos, there are not " twelve thousand Christians, and those chiefly Chandalas or outcasts*," leads to a wrong conception of facts, and to conclusions totally unsupported. Though this number were correct, it ought by no means to be taken as the utmost possible product of united exertions for a long series of time; for nothing is plainer, than that these exertions, never great, never in any degree what they ought to have been, have gradually declined, except in the solitary instance of the small mission of Tranquebar, for more than a century past, and are in most places now entirely abandoned, not for want of success, but for want of the spirit that should animate such undertakings. Even if the success had never been greater than it is said to be at this day, and had been confined to the lower classes, who however have immortal souls, they who consider the value of Christianity, and the vast importance of the interests connected with it, as well as the opposition which the priests of other religions have uniformly made to it, would still think this success an object of very considerable magnitude. But we have seen what had been done in the times of Baldæus, and of Specht†, and we may judge how far it is reasonable to take the number of twelve thousand‡ in the year 1790, as the existing amount of Christians in Hindostan, when we may fairly state no less a number than one hundred and eighty thousand to have been existing in the year 1688, a full century earlier. Length of time however, can be no exact criterion in this case. Persecutions, wars, and famines, may reduce the number of Christians. A want of pastors may disperse them, and in a generation or two leave no vestige of flourishing churches. The diligence and earnestness employed in this work will in general be found the truest test, and wherever these have appeared, the effect has been proportionable. As to " the establishments of different Christian nations, who support and protect them," where are they? Exclusive, first, of wandering Romish missionaries, who to do them justice subsist on little, and submit to a painful course of life, and next of the Tranquebar mission already mentioned, which consists not of above seven or eight ministers, on very narrow appointments, where are the establishments, where are the support and protection? Do the Dutch, possessing many large islands and settlements, now maintain even a sufficient number of clergy for their factories? Do the British, the lords of immense territories, and of twenty-four millions of Heathen subjects, maintain a single missionary? *Pudet hoc opprobrium!* This is a very serious subject, which would require and well deserves a distinct consideration§.

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" and Christian charity, devoid of avarice, haugh- " tiness, and violence, the major part of the nu- " merous inhabitants of Asia would, at this present " time, have been converts to this doctrine."— *Thuneberg's Travels, Vol.* IV. *Anno* 1778.

* Sketches concerning the Hindoos, quoted in Dr. Robertson's Ancient India, page 230.

† Page 66, 67.

‡ A letter recently received from a very respectable person on the Coast of Coromandel, states that in consequence of the capture of Ceylon by the English, twenty thousand native Christians in the province of Jaffnapatnam were left without pastors, and thence were falling off to Paganism. 1797.

§ National support is here spoken of. The Society for promoting Christian Knowledge, before noticed, from their moderate funds, the subscription of individuals, have for a long series of years given an annual allowance to the Danish missionaries

The conclusion therefore, which the writer recently quoted, would draw, that the peculiarly obstinate attachment of the Hindoos to their religion, has prevented, and by parity of reason will ever continue to prevent, their conversion to Christianity, is repugnant to the past experience of Europeans. Wherever an attempt has been seriously and prudently made, a certain degree of success has followed it; and if such attempts were more extended, the success would be correspondent.

Doubtless there is always difficulty in turning men from error to truth; and those who have been taught to place a high degree of merit in abstinence from certain meats and liquors, will be prejudiced, as has also been objected, against a religion which treats these things as indifferent. But prudence and discretion will do much. The Danish missionaries have never encouraged converts to shock their Heathen neighbours, nor to run themselves into unnecessary expense and danger in this respect; for in imitation of the conduct of the first teachers of Christianity towards the Jews, whilst they have explained to them the allowableness of using any kind of food without exception, they have also inculcated the expediency, in their circumstances, of forbearance. But it is idle to lay any great stress as some have done upon such an impediment, when in order to real conversion, much greater obstacles must be overcome. Undoubtedly the grand hindrance, on the part of the Hindoos, to the reception of the Christian faith, is not so much an attachment to their religion, as the dreadful forfeitures which follow the dereliction of it,—excommunication from society, family, wife, children, inheritance, employment, subsistence, every thing valuable in life, and every thing necessary to its support; yet these prodigious sacrifices many have made for conscience sake; and if converts could have protection from persecution, and the means of subsisting themselves by honest labour, which among so many European Christians as are in Bengal could not be wanting, their numbers would be far more considerable than they are at present. In remoter ages, we know from undoubted authority, that the diffusion of Christianity in India, was more general than it has been in modern times*; but the people were the same, their religion and prejudices the same as they are now; nothing was different, but the ardour for propagating the Gospel; and when this ardour revives, in places where the ascendency of Europeans has prevailed over the Hindoo government, it may be expected that more homage will be paid to true religion, than it has yet received.

Sixth. If after all that has been already said of the causes by which the Hindoo character is formed, any person should still be willing to believe, *that nothing more is necessary for the social peace, order, and happiness, of our Asiatic subjects, than to enact good laws, and duly to administer them*, such persons may be pleased to consider a maxim which experience has established in the science of legislation, "that laws are of no avail without manners." Where the general spirit of a community runs counter to particular laws, those laws, instead of overcoming that disposition, more commonly lose their own efficacy, as may be seen in the case of duelling, and many other forbidden practices among ourselves. And it usually happens, that regulations which have the maintenance of good morals for their immediate object, fall sooner into neglect, and are infringed with more impunity, than those made to protect the property of individuals.

Our government in India is besides, in this respect, under some peculiar disadvantages. A handful of foreigners preside over a very numerous people, extremely corrupt, and fortified in their corruptions by their own institutions. Out of that mass, we must take the subordinate instruments of our administration in all departments, particularly in the courts of law, and in the police of very extensive provinces. The number of our courts, and of British judges or officers in them, from the heavy expense which they occasion, can hardly be made equal to what is required for the conveniency of the people, of whom also, many reside at a distance from the seats of justice, where moreover the formalities of procedure, and the accumulation of suits, necessarily produce delays repugnant to the nature and circumstances of that people, who earnestly desire prompt decisions.

It may easily be seen, that these causes, especially the national characteristics attaching to the multitudes whom we are obliged to employ in all the inferior lines of administration, would, notwithstanding the many excellent things done to render the fountains and the channels

missionaries of Tranquebar, or more properly have upheld the valuable mission established there nearly since its commencement; and they wish to extend their labours both on the Coast and in Bengal; but their funds, enlarged as they have lately been, are not adequate to the scheme now proposed.

An evasive plea, with which some persons meet proposals of this kind, is hardly entitled to notice. "Let us, say they, begin at home;" as if they were hindered in any domestic plans of benevolence by such proposals; as if he who sincerely wishes the extension of religion at home must not also wish it abroad; as if it were ability, and not will, for both, which is wanting; as if we ought to postpone the communication of light to other countries, whilst any individuals remain uninstructed (though through the fault of appointed teachers,) among ourselves; as if the duties of sovereignty did not extend wherever we hold possessions; as if the communication of the Gospel to all our subjects, were not an indispensable duty, and the obligation to perform one duty, could justify the neglect of another both incumbent and practicable; as if, in a word, a resident of this country, having a foreign estate peopled with Heathens, should not immediately attend to their religious instruction.

* A considerable church subsisted on the Coast of Malabar from a very early period, and when the Portuguese first visited India, the Christians on that coast were still very numerous and respectable. They were a simple people, and by a complication of artifice and force were brought into subjection to the Romish see, whence they were incorporated with the Portuguese and shared in their fate.—See *Histoire du Christianisme des Indes, par la Croze*, and the Portuguese writers cited by him.

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channels of justice pure, hinder the perfect operation of our legal institutions, even if it were in the nature of such institutions to furnish internal principles of morals, as well as to punish the external violations of right. That it is not, authority and experience concur to assure us. It is the judgment of the great Lord Bacon, a man pre-eminent in jurisprudence as well as in philosophy, "that good government, and good laws, though they indeed nourish virtue when "grown, *do not much mend that seed.*" Corruption has destroyed many states, where legislation had attained to considerable perfection; and how plainly does it come within our own observation, than even in countries where the awful sanctions of true religion are added to the wisest laws, uprightly dispensed, all are found little enough to check the progress of depravity? The insufficiency of laws alone to this end, cannot then be better stated than in the words of another writer of superior order, which may close the discussion of a topic in itself so clear. "As for human laws, made to encourage and requite virtue, or to check and "chastise vice, it is also manifest that they do extend to cases in comparison very few; and "that even as to particulars, which they touch, they are so easily eluded or evaded, that "without intrenching upon them, at least without incurring their edge, or coming within the "verge of their correction, men may be very bad in themselves, extremely injurious to "their neighbours, and hugely troublesome to the world; so that such laws hardly can "make tolerable citizens, much less thoroughly good men, even in exterior demeanor and "dealing. However no laws of men can touch internal acts of virtue or vice; they may "sometimes bind our hands, or bridle our mouths, or shackle our feet, but they cannot stop "our thoughts, they cannot still our passions, they cannot bend, or break our inclinations; "these things are beyond the reach of their cognizance, of their command, of their com-"pulsion, of their correction; they cannot therefore render men truly good, or hinder them "from being bad*."

SEVENTH. There is another species of objection, which does not peculiarly apply to the plan now in question, but equally to all schemes which go upon a principle of proselyting men of one religion to another. The objection is to the principle itself. It supposes that if any religion be necessary, the religion in which a man happens to be born, will do at least as well for him as any other; that being sincere in his hereditary religion, he will be safe and happy in a future state; and that it is therefore wrong to disturb him about any new one. Now this objection plainly assumes, that all religions, however contrary to each other, are much the same as to their end and efficacy. It must suppose, that they are all indifferent or all acceptable to the Deity; and if the latter, that either they had their origin from him, or that human inventions of various and opposite systems of faith and practice, according to the different tastes, fancies, habits of men, and their degrees of knowledge, are at least approved of by him.

This is no other than the old Heathen opinion, revived and extended by modern infidels†. But some men who have fallen into it perhaps carelessly, as an easy way of solving points dubious or disquieting to their minds, have surely not reflected on the gross and impious absurdities with which it is pregnant. Allowing that it does not mean to discard morals, it proceeds upon a fatal sophism, too common, that they may equally subsist with any or with no religion, and that only the duties which our fellow-creatures claim, are important, those owing to God, mere ceremonies; it implies, that an infinitely pure, wise and good Being, may be pleased with rites fantastic, cruel, and impure, which in their nature violate every idea, even of morals; or what is nearly as monstrous, that he places on the same level, doctrines and services essentially contrary to each other, and many of them utterly unsuitable to his own holy character. In either case, the greatest outrage will at once be offered to right reason and to the infinite perfections of the divine nature. But one inference will thus be reserved, which it is to be feared is too often the main drift of all the crude profane notions unhappily indulged upon a subject the most momentous,—that no religion has an exclusive claim to be preferred, or that in other words, there is no such thing as a divine revelation; for if a revelation were acknowledged, the consequence must of course be, that it is entitled to supreme regard.

But this is directly to attack the truth of Christianity, which claims God for its author, and, including as it does, the Jewish and patriarchal dispensation, to be the only religion that he hath revealed. This is not the place to vindicate the justice of the claim, nor is it necessary. The truth of Christianity has been a thousand times proved, against every species of attack which the abilities or the passions of men have been able to devise. It stands upon such various invincible evidence, external and internal, as belongs to no other object of human belief; evidence sufficient to satisfy the most secret doubts of every honest inquirer, and to astonish him with its clearness and power. All the assaults of ancient and modern enemies have only served to establish the authenticity of Christianity more firmly. It gains by being examined. It courts the light. The age in which it was introduced, and made its way in the world against all opposing powers, was an age of light. With the revived and increased light of modern times, it has received new lustre and confirmation. Those superior geniuses, who have extended the sphere of human knowledge, have been steady

* Dr. Barrow, Vol. II. page 335.

† It is the creed of Voltaire, and many others styling theselves philosophers, who from pleading for toleration, moderation, indifference, in matters of religion, proceeded gradually, and by a thousand insidious arts, first to bring into contempt, and then to overturn the established faith of that country, in which they were left at liberty to enjoy even their most extravagant dogmas; and to effect this purpose, razed its civil constitution, its monarchy, all its existing establishments, to the foundation, covering them with anarchy and blood.

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steady believers in Christianity. The discoveries of science invalidate none of the truths of revelation. The improvement of the mental faculties yields no illumination that can disparage the matter, or lessen the importance of those truths. But in proportion as the investigation of nature, and of the character and state of man, enlarges his views of the great Creator, and his acquaintance with himself, he sees more of the suitableness of the Christian scheme, to the perfections of the one, and the condition of the other. It is by a gross perversion of language, that *the light of this advanced period* is spoken of, as affording any ground for disregarding the doctrines or the precepts of the Gospel. Men have indeed, by too general an agreement, departed from them in practice, and thence the transition is easy to a denial of their authority, the source of all which is corruption, and the consequence, a return to the darkness of error; yet this common, profane relaxation, in opinions and in manners, is all that is often meant by such phrases as "the light of the eighteenth century;" and experience has shown, that wherever the Gospel has been obeyed, it has made communities and individuals better and more happy, as in proportion to the degree in which it has been rejected or slighted, vice and misery have prevailed. It is the only religion which ever has wrought any reformation among mankind; all other systems have made men easy in their immoralities. Christianity will allow no compromise with evil, and this is the true cause of the resistance made to it; men do not oppose it from the love of truth, or any honest intelligent conviction of its want of foundation, but because it holds out too strong a light, and too strict a rule. To argue therefore as if it were untrue, (which is indeed done when the sufficiency of any other is pleaded,) after every attempt to destroy its authority has ended in its stronger confirmation, is a high strain of unjustifiable assumption, and most indecorous in a country where this religion is the established faith, and a part of the law of the land. This single consideration however, our national acknowledgment and profession of its truths, imposes upon us, as has been already stated, the obligation of communicating, as far as we are able, the blessings of it to the Heathen world, and precludes therefore the use of any such objection as we are now combating, especially in all national or public discussions of this subject.

It may not be unnecessary, however, to repeat here, that every kind and degree of compulsion is utterly excluded from this scheme, as subversive of the rights of private judgment and conscience, and totally contrary to the spirit and genius of Christianity. The abuses which have been committed in this way, whether under the name of that religion, or avowedly in opposition to it, have furnished the enemies of revelation with a set of common-place objections, which also require some notice, because they are applied, not merely against religious persecution, but against the principle of propagating the knowledge of the Gospel in Pagan countries. "The agitation of religious opinions," say those opposers, "and particularly of the doctrines of Christianity, has been the occasion of manifold contentions and immense bloodshed." That is to say, in effect, that because some wicked men have persecuted their fellow-creatures for preaching or embracing Christianity, and others, professing that religion, have been guilty of similar cruelties against those who could not hold every dogma which they sought to impose, nothing should be done that might possibly awaken this persecuting spirit; men ought not to be disturbed in their errors, however fatal; and the occasional or possible abuse of a thing, however excellent in itself, is sufficient to decide against the dissemination or maintenance of it. The mere statement of these objections is enough to expose their weakness: they alledge the conduct of the greatest enemies of religion, against religion itself. They go to supersede reverence to God, love to man, obedience to conscience, and all freedom of opinion.

But the very ground of these objections, surely never sincere, has now ceased. Toleration in matters of religion is well understood. Religion is not propagated by force; and all that is now proposed is, that a certain moderate number of individuals, armed with nothing but truth, reason, and argument, shall in a mild, pacific way, communicate the Christian system to those who have never hitherto had an opportunity of hearing it, and who, whether they listen to it or not, certainly have need of its benign and salutary influences.

It is not, let us again disavow the idea, the introduction of a new set of ceremonies, nor even of a new creed, that is the ultimate object here. Those who conceive religion to be conversant merely about forms and speculative notions, may well think that the world need not be much troubled concerning it. No, the ultimate object is moral improvement. The pre-eminent excellence of the morality which the Gospel teaches, and the superior efficacy of this divine system, taken in all its parts, in meliorating the condition of human society, cannot be denied by those who are unwilling to admit its higher claims; and on this ground only, the dissemination of it must be beneficial to mankind.

Do we then wish to correct, to raise, to sweeten the social state of our Indian subjects? Would we at little cost, impart to them a boon, far more valuable than all the advantages we have derived from them? The Gospel brings this within our power. Of the effects which it would produce in civil society, if men acted according to its principles, we may, in the words of a distinguished prelate*, say, that "in superiors it would be equity and moderation, courtesy and affability, benignity and condescension; in inferiors, sincerity and fidelity, respect and diligence. In princes, justice, gentleness, and solicitude for the welfare of their subjects; in subjects, loyalty, submission, obedience, quietness, peace, patience, and cheerfulness. In parents, tenderness, carefulness of their children's good education, comfortable subsistence, and eternal welfare; in children, duty, honour, gratitude. In all men, upon all occasions, a readiness to assist, to relieve, to comfort one another. Whatsoever, in a word, is pure, and lovely, and good."—Can we help exclaiming, with the celebrated author

* Bishop Horne. Sixteen Sermons, page 101.

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author of *the spirit of laws*,—"How admirable the religion, which while it seems only to "have in view the felicity of the other life, constitutes the happiness of this†!"

And is this the religion which we hesitate to communicate,—to communicate to those whose welfare it is alike our duty and our interest to consult? Is it not enough that more than thirty years have already elapsed, more than twenty millions of our subjects have passed into eternity, without our making any attempt to instruct them?

EIGHTH and LAST. Another objection still remains to be stated, one of an opposite nature to some of those which have been discussed, and in appearance more formidable than any of them. Its constituent idea is, *the danger which might result from the adoption of the proposed plan.* Put in its strongest and amplest terms, it may be thus expressed: "If the "English language, if English opinions, and improvements, are introduced in our Asiatic "possessions, into Bengal for instance; if Christianity, especially, is established in that "quarter; and if, together with these changes, many Englishmen colonize there, will not "the people learn to desire English liberty and the English form of government, a share in the "legislation of their own country, and commissions in the army maintained in that country? "Will not the army thence become, in time, wholly provincial, officered by natives of "India, without attachment to the sovereign state:—will not the people at length come to "think it a hardship to be subject, and to pay tribute, to a foreign country: and finally, "will they not cast off that subjection, and assert their independence?"

Before we proceed to offer a reply to this objection, it is fair to remark, that whoever seriously entertains it, cannot also entertain those which may be advanced against the practicability of the plan, or the possibility of its succeeding. And in like manner, he who thinks success hopeless, can feel no real alarm for the danger which another might conceive success to be capable of producing. Hence though every man is unquestionably entitled to follow the best decision of his own judgment, yet in this case, an opposition, increased in numbers by contradictory principles, would therefore be diminished in argumentative strength, since objections incompatible with each other could not both be valid.

It will be proper likewise, previously to separate and exclude from this complex objection some parts of it, which can with no justice be reckoned among the imaginable consequences of any estimated improvement in the state of our Indian subjects. Such are the free colonization of Europeans in that country, and the gradual transfer of military appointments and military power into the hands of provincials. These are things which do not depend on the admission of any particular religion into our territories, or its exclusion; nor upon the will of the people inhabiting them; but upon the government of this country. They are wholly unnecessary; they would, in our humble apprehension, be most unwise; and that light which we now possess regarding our Eastern affairs, that sound policy in the management of them, of which late years have furnished so many proofs, forbid the admission of suppositions so superfluous and extravagant.

With respect to colonization, the nature of our connection with that country, renders the residence there of a certain number of Europeans, for the various lines of public service, necessary. The admission of a further number as merchants, navigators, artists, and professional men, is useful and important; but beyond such a fair proportion as may be requisite for these different lines of employment, and the prosecution of useful improvements and enterprizes, in which the energy and skill of Europeans are essential, their ingress into that country ought not to be permitted; for otherwise a new race might spring up, with larger pretensions, and more untractable than the Hindoos. Those also admitted should be laid under particular restrictions; the more considerable settlements should be confined to the sea coasts; and the laws against the entrance of unlicensed adventurers be strictly enforced; for these adventurers may be of nations hostile to our interests, they will be less known, less to be depended on by us, more liable to fail of success in their own views, and from necessity, be more likely to colonize. But in all the decent and liberal classes of Europeans, there is even an ardent desire to return at length to their native country; and hardly an instance can be found of any person, capable from his circumstances of following this course, who has deliberately chosen to make India his ultimate home. The state of native society there, may, no doubt, contribute to form this disposition; but the Indian climate is not congenial to the European constitution, and the strong endearing attachments of early days, with the rational judgment of maturer years, powerfully impel the natives of this happy island to their original seat†.

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* L'Esprit des Loix; Liv. XXIV. Chap. 3.

† The following remarks, added as a postscript to the first copy of this tract, and intended to apply to the subject of the Company's charter, then about to be renewed, it may still not be improper to insert here.

"Lest the scope of these observations should "be misunderstood, the writer begs leave to de- "clare, that he is no advocate for any system "of intercourse between this country and our "Eastern territories, which shall give Europeans "an unlimited freedom of entrance there; but "would most earnestly deprecate all schemes, of "which such unlimited freedom should be the pro- "fessed basis, or the actual, though unavowed "consequence. There is a question concerned "here, of far greater importance than the merely "commercial one of an open or a restricted trade "to India; it is a question that involves in it the "welfare, both of Great Britain and of our Asiatic "possessions.

"If the subjects of this country are permitted, "at their pleasure, to visit those possessions as "they may our American colonies, though pro- "fessedly but for the purposes of traffic, great "numbers of them will settle; for mercantile "transactions must entail residence, because it "will be impossible for a government to say, that "all such transactions shall be closed, and the "parties be gone within a certain time, or to take

"cognizance

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Inquiry for improving the Condition of our Asiatic Subjects.

The other idea, which makes our Indian power to depend at length on provincial officers and soldiers, proceeds upon the supposition of previous unrestrained colonization, which has just been shown to be needless and inadmissible, and upon other imagined changes, into the probability of which we need not now examine. For upon any hypothesis compatible with our retention of the country, it is not conceivable how we should ever be exposed to the danger here alleged. Is it not among the first prerogatives of government to select its military servants? What inducement could possibly arise to transfer the delicate and important trust of military command from the natives of this country to those less connected with it? Do we act thus with our American colonies, peopled by subjects of the British race? As we now ultimately depend not only on British officers, but on British troops, *so*, in the opinion of most competent judges, an opinion which appears to be indisputably solid and important, *ought we to do in all time to come**.

Among the articles unreasonably crowded into the objection now to be examined, are those which state the people as becoming, in consequence of some future supposed events and combinations, dissatisfied at the payment of a foreign tribute, and with subjection to a foreign country. Is it to be thought, that such ideas are then only to have existence, or that the people have in any past time been contented under the dominion of strangers? Surely not. The only point for consideration here is, their comparative acquiescence in this condition under their present circumstances, and under those which it is assumed may hereafter arise.

We shall now enter upon the consideration of the objection itself; and the first things which attract our attention here, are the *foundation* on which the whole of this objection rests, and the *principle* upon which it proceeds. The *foundation* is *pure hypothesis*, or conjecture; and hypothesis supported by no real experience of any case similar to the one assumed to happen, nor by any just analogy. Some general apprehension, prepossession, or unexamined suspicion, suggests the possibility of certain events; and to this suggestion, without any satisfaction concerning the premises on which it is advanced, or the conclusion deduced from it, without regard to all the other relations of the subject in question, we are required to give our assent. The *principle* of the objection, at least equally remarkable, is plainly no other than this, that to prevent the remotest chance of such consequences as the proposed improvements might produce,

" cognizance in this manner of the conduct of " every individual; and if such a measure were " at first attempted, it would not continue any " time. All the lines of trade and manufactures " would soon be overstocked, and then men would " seek to fasten themselves on the soil. Coloni- " zation would therefore very soon commence in " India, especially in Bengal; those whom uncon- " trolled enterprizes in commerce would carry " thither, would see a rich soil, apprehend great " scope for exertions, and regard the natives as a " subjected people, feeble, timid, and contempti- " ble; all things would tempt them, and many, " both agents and seamen, would remain. But the " increase of Europeans there would not be re- " regulated by the gradual progress of colonial " industry. Multitudes of the needy and the idle, " allured by the fame of that country, and eager " to seize novel privileges, would flock thither at " once. Britain would, in a short space, be " thinned of inhabitants, and those eastern pro- " vinces filled with a new race of adventurers, " many of them low and licentious. Being there, " they must subsist; they would spread them- " selves throughout the country, would run into " the inland trade, fix themselves wherever they " could on the lands, domineer over the natives, " harass, extrude, exasperate them, and at length " provoke them to plots and insurrections; they " would be bold and assuming towards our " own government there; its present form cal- " culated chiefly for the natives, would not be " sufficiently coercive in such a new state of " things, and hardly any government which we " could maintain in that quarter, would controul " swarms of Europeans, thus let loose, and ani- " mated by the spirit of adventure and acquisi- " tion. Nor would the emigrations be confined " to our countrymen only. If we tolerate the " practice of free colonization in India, peo- " ple from all the nations in Europe would resort " thither, mix with other subjects, and aggravate " the mischiefs of such an invading system. In " a certain degree, we should have that lawless " destructive scene acted over again, which the " Spaniards exhibited when they first poured " into America. It was thus that the Portuguese " power in the East declined. The intolerable " licence of the roving adventurers of that nation " rendered them odious to the natives, and arm- " ed the coasts and islands of India against them, " so that weakened before, they fell an easy prey " to the Dutch. And thus too, we should our- " selves be exposed, perhaps at no distant period, " to the danger of general convulsion and revolt " in those possessions, which prudently guarded " and cultivated, may under the favour of Pro- " vidence, to conciliate which should be our first " care, be preserved for ages, to our great advan- " tage, and the happiness of their native inha- " bitants.

" The question now therefore, with respect to " these possessions, is not, whether all British " subjects shall have a right to trade thither in " their own persons, but whether the natives " shall be protected from being overrun and op- " pressed by foreigners. A different cause re- " commends, that the intercourse with these pro- " vinces be still carried on by one national organ, " like the India Company. At first, such a col- " lective body was preferred, as a better defence " against the arbitrary and rapacious temper of " the native governments. Now that the coun- " tries are our own, such a limited channel is also " preferable, to save this nation, and our Asiatic " subjects, from the evils which might accrue " from too great a transfusion of the people of " Europe among the Hindoos."

* If, upon premises very opposite to those on which the objections we are now answering are grounded, a doubt should be started of the propriety of keeping any people perpetually under foreign rule, this would be to agitate a question involving the right of conquest, and the nature of government; but it might perhaps be sufficient to reply, that we can foresee no period in which we may not govern our Asiatic subjects, more happily for them than they can be governed by themselves or any other power; and doing this we should not expose them to needless danger from without and from within, by giving the military power into their hands.

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produce, our Asiatic subjects must be for ever held in the same state of ignorance and error in which they now are. "Give them not," says the unstrained sense of this objection, "the "light of true religion, teach them not a better system of morals, provide no stated means "for their public or private instruction, impart not to them our knowledge of nature, be not "liberal to them, even in communicating the principles of our arts; afford them, in a word, "no benefit whatever of light and improvement, lest our interest should in some future period "suffer; keep them blind and wretched for all generations, lest our authority should be "shaken, or our supremacy over them incur the slightest possible risk." Surely those who may have inconsiderately lent themselves to this objection, will not, upon a clear deliberate view of its principles, seek to justify or to contend for it. A Christian nation cannot possibly maintain or countenance such a principle. To do so would be virtually to trample upon every sentiment which we profess in religion or in morals. It would be to make ourselves parties in all the impositions of the Brahminical system, and in effect to hold with its priests, the doctrine of Demetrius*, "by this craft, *we* have our wealth." To enlarge upon so very obvious an argument must be unnecessary.

Besides the series of effects which the objection professedly supposes, certain other positions are tacitly comprehended in it, which next claim our notice. It implies, that the establishment of Christianity in a country may, on the whole, prove unfavourable, or less favourable than some other religious institution, to good government; that its efficacy may, on the whole, be inferior in securing the subordination, obedience, and attachment of the people, and the authority of the sovereign. Since reason, experience, and general consent, have fully decided against this position, it would be superfluous and unbecoming to enter into any refutation of it. It is certainly one of the grossest misconceptions of the nature and tendency of the religion of the Gospel, which is known to afford precepts, motives, and encouragements to lawful submission and good order, infinitely more powerful and efficacious than those of any other system. Its real genius is so contrary to licentiousness and anarchy, that as we have seen in a late memorable instance, their triumph can be raised only upon its extinction. If we would read the judgment of enlightened Europe upon this subject in a single sentence, the celebrated author already quoted, who spent a long life in profound and certainly unbigotted investigations into the nature of different systems of religion and law, may supply it. "True Christians," says he, "must be citizens thoroughly enlightened respecting their duties, with the greatest "zeal for fulfilling them; the more they feel the obligations of religion, the more must they "be sensible of what they owe to their country. The principles of Christianity well engraven "on the heart, must be infinitely stronger than the false honour of monarchies, the human "virtues of republics, and the servile fear of despotic states †."

The objection implies also, that rather than expose ourselves to the possibility of suffering future evils, which it is assumed Christianity might ultimately introduce, we should forego great advantages which are confessedly within our reach. The probability of effecting considerable improvements is not denied; it is, on the contrary, supposed; and this supposition constitutes the very ground of resistance. "Though the field be spacious, and much might "be done, attempt not to benefit either your subjects or yourselves, lest success should, at "some very distant day, be abused. Let us not do moral good, that political evil may not "come." Such is the language of the objection; an acquiescence in the propriety of which, since the duty of aiming at those salutary meliorations has been sufficiently established, would imply this further notion, "that the way of duty is not, on the whole, the way of prosperity." It is enough to have pointed out these exceptionable positions.

But another still remains to be mentioned, which goes to the essence of the present subject. The objection silently assumes, "that in a system opposite to the one proposed "in this essay, must consist our future safety and stability in India." The high importance of this proposition, not surely one of such intuitive evidence as to command instant assent, entitles it to particular consideration; but that consideration will be more conveniently bestowed, after we have viewed the direct matter of the objection, to which we now proceed.

It alleges then, the probability of the utmost possible success from the adoption of a system of improvement, and the greatest possible abuse of that success. We have no design to exaggerate the effects or events which are necessary to justify these large conjectures; but we apprehend, that upon any reasonable estimate of them, they will be found to form a long series of stages, not only in the advancing, but also in the descending scale of human society; for no partial change in the people, either with respect to opinions or to numbers, seems adequate to the production of them. Let us endeavour therefore, to trace the career which is thus imagined, and to expand to the view, the various gradations of that ample progression by which we are to be conducted through greatness to decline. First, the diffusion of a foreign language, of foreign opinions and arts, of a spirit and religion the most dissimilar to those of the natives, who are a people exceedingly numerous, and from remote antiquity peculiarly attached to their own customs and notions; next a large increase of agriculture, manufactures, commerce; with new wants, tastes, and luxuries; a great demand for English productions and fashions; and a gradual separation from neighbouring nations, in whom these changes, probably misrepresented to them, would beget disgust and aversion to the converted Hindoos. The objection must imply moreover, not only the rise of just notions of civil liberty, but that they have become deeply rooted in a country where despotism seems to have been in all

* Acts, Chap. 19.——Page 64.

† L'Esprit des Loix, Liv. XXIV. Chap. 6.

all ages, and to be still, the natural and only idea of government*; it must imply vigour and unanimity to assert this liberty; then (before it can be abused) the possession and enjoyment of it; after this, a progress to licentiousness; and lastly, the violent dissolution of their connection with their sole protector, in the midst of nations become hostile to them, without a rational prospect of improving their situation, if they threw themselves upon the support of other European or native powers, or of maintaining independence if they stood alone.

To what distant age, may we not now ask, does this immense process lead us? If we even contract it to any space which an objector could urge as at all commensurate to the assumed consequences, should we still, in reasoning upon such conjectural delineations, stand upon any solid foundation? Would we act in serious and great concerns, even of private, individual import, upon such precarious remote contingencies? Do they not set us afloat upon the ocean of possibilities, where the prospect, extended so far as to become wholly indistinct, confounds sea and sky, and, in interspersed clouds of many shapes gives fancy easily to discover formidable promontories and rocks?

But if we look to known realities, to some of the many and great obstacles which will stand in the way of any such political revolution as is imagined, we shall be at a loss to give any sober satisfactory account of the manner in which they are to be removed. We insist not on the difficulty of disseminating, only by just and rational means, a new religion, opposed by inveterate habits and prejudices. The friends of that scheme, indeed, dare not speak of success, with the confidence which the language of the objection seems to favour; yet they are not without hope; and they are animated by a conviction, that even a partial diffusion of Christianity, would improve the whole mass of society. But if we inquire, for instance, into the probable period of the general abolition of castes, which allowing it ever to happen, must be conceived, in the natural order of things, to precede some other supposed changes, what place shall we assign to it? Some point, we may venture to say, not within our ken; and beyond which, it seems vain to stretch our political solicitude in so changeable a world as this, wherein political prediction is so often baffled; perhaps indeed, because it is so seldom connected with present duty. Supposing, however, the tendency of events to be towards such an abolition, we may conclude, that the progress to it will be gradual. With the institution of castes, are blended not only religious doctrines and legal privileges, but the whole system of Hindoo manners. Deep rooted prejudices, combined with strong interests and immemorial habits, cannot reasonably be expected to give way to sudden impressions. The entire manners and usages of a people do not change at once. The institution therefore, will not be deprived of its power by any violent rupture or convulsion. And even after the doctrine of castes shall have lost its religious authority, and its tyrannical influence in society, (still arguing on the supposition that these things may happen,) the manners which it contributed to form, will, in a considerable degree, and for a certain time, remain. Among the Malabar converts to Christianity, distinctions of caste have not lost all their force; the habit of separation, the repulsive feelings, the secluding reserves, which spring from that source, though abated, still exist, in some degree perhaps analagous to the ceremonial prejudices of the first Christian Jews. As long as a principle of this nature remains in society, preventive as it will be of an intercommunion in marriages and professions, no formidable political association is likely to arise. Hence as the decline of the institution of castes will be slow and imperceptible, so the moment of its expiration will be unperceived; subsequent observation only will discover that it is past: therefore neither can this change be a signal for new events.

The grand danger with which the objection alarms us is, that the communication of the Gospel and of European light, may probably be introductive of a popular form of government and the assertion of independence. Upon what grounds is it inferred, that these effects must follow in any case, especially in the most unlikely case of the Hindoos? The establishment of Christianity in a country, does not necessarily bring after it a free political constitution. The early Christians made no attempts to change forms of government; the spirit of the Gospel does not encourage even any disposition which might lead to such attempts. Christianity has been long the religion of many parts of Europe, and of various protestant states, where the form of government is not popular. It is its peculiar excellence, and an argument of its intended universality, that it may subsist under different forms of government, and in all render men happy, and even societies flourishing; whereas the Mahomedan and Hindoo systems are built upon the foundation of political despotism, and adapted, in various instances, only to the climates that gave them birth. Christianity seeks moral good, and general happiness. It does not, in the pursuit of these objects, erect a peculiar political system; it views politics through the safe medium of morals, and subjects them to the laws of universal rectitude.

Nor are we to expect, that Christianity is entirely to supersede the effects of physical causes. The debilitating nature of the climate of our Eastern territories, and its unfavourable influence upon the human constitution, have been already mentioned †, and by others represented in strong colours: "Notwithstanding," says the celebrated historian of the British Transactions in Hindostan, "the general effeminacy of character which is visible in all the Indians throughout the empire, the natives of Bengal are still of weaker frame, and more enervated disposition,

* The government of the *Seeks*, though it have more of an aristocratic or republican form, seems no real exception to this observation, still less the aristocratic connection of the Mahratta chiefs.

† Chap. III, pp. 39, &c.

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" sition, than those of any other province; bodily strength, courage, and fortitude, are " unknown; even the labour of the common people is totally void of energy; and they are " of a stupidity, which neither wishes, nor seems to be capable of extending its operations " into any variety of mechanical dexterity. All those of the better castes, who are not fixed " to the loom, are bred to the details of traffic and money, in which their patience and per- " severance are as great as their detestation of danger, and aversion to bodily fatigue*." From this striking description ought to be excepted the military tribes, to whom it will not properly apply; and the general features, we must take the liberty to say, are overcharged: but having made due allowances on these accounts, the picture will certainly possess no faint resemblance of the original.

Indolence, pusillanimity, insensibility, as they proceed not wholly from physical sources, would be at least partially corrected by moral improvement; but the influences of a tropical sun would still be oppressive. The slight structure of the human body, with its ordinary concomitants, still forming the taste to a vegetable diet, would ill second ardent designs, even if the mind were vigorous enough to conceive them. In the early formation of the relations and habits of domestic life, which modify, in no inconsiderable degree, the Hindoo character, there would be no material innovation. The nature of the country adds to the effects of the climate. It is unfavourable for long journeys; and the Hindoos, in general a remotely inland people, have a strong aversion to the sea; even the air of it is offensive to them. They are thus deprived of all the advantages which the intercourses of navigation, and an acquaintance with the world at large, would procure to them. Nor is there the least probability, that they will ever become maritime; and as little likely are they to become in other respects, an enterprising people. More calculated for passive suffering than for arduous attempts, they little love such exertions as freedom demands, and wish rather to be protected, than to have the trouble of protecting themselves.

Where then is the rational ground for apprehending, that such a race will ever become turbulent for English liberty? A spirit of English liberty is not to be caught from a written description of it, by distant and feeble Asiatics especially. It was not originally conceived nor conveyed by a theoretical scheme. It has grown in the succession of ages from the active exertions of the human powers; and perhaps can be relished only by a people thus prepared. Example is more likely to inspire a taste for it than report; but the nations of Europe have seen that liberty and its great effects, without being led to the imitation of it; for the French revolution proceeds not upon its principles; it is an eruption of atheism and anarchy.

The English inhabiting our settlements in India, have no share in the British government there. Some are employed as servants of the Public, but no one possesses any legislative right. Why then should we give to the natives, even if they aspired to it, as it is unlikely that they will thus aspire, what we properly refuse to our own people? The British inhabitants would be extremely averse to such a participation. Our Government, as it is now constituted, interests Europeans in its support, without the danger which colonization might ultimately incur, their views of establishment and of final comfort centering in the mother country.

The conduct of the British American colonies has raised, in some minds, confused surmisings and apprehensions of the possibility of similar proceedings on the part of our Indian provinces. These alarms are easily caught by such persons, as shrink from the idea of whatever might have a remote tendency to advance our Asiatic subjects in the scale of human beings; conceiving, (with what political truth may perhaps hereafter appear,) that the more entirely they continue in their present ignorance, superstition, and degradation, the more secure is our dominion over them†. But never surely were apprehensions more destitute of

* Part II, page 5th, of the History of Military Transactions, &c. by *Mr. Orme*, an author well entitled to the high rank he holds in public estimation, by his generally just and comprehensive views of the subjects which he treats, the clearness, accuracy, vigour and dignity of his narration; but not appealed to in the former part of this Tract in the account there given of the state of society among the Hindoos, from an idea that he had not any large opportunities of intimately observing the conduct and manners of the middling and lower classes, who live remote from European intercourse.

† From the mischief which has recently been done in this country, by the dissemination of pernicious publications among the lower people, some persons seem inclined to think, that it would be better for the national security and tranquillity, if that class of the community received no education. As this opinion touches very nearly the main argument which is maintained in the present Tract, the writer, though conscious that neither his ability, nor the limited space of a note, can do justice to the subject, hopes he shall be pardoned in throwing out a few observations upon it.

Springing probably from much better motives than the old exploded maxim, that " ignorance is " the mother of devotion," it nevertheless seems to go upon a principle of a similar kind; it seems to imply, that " ignorance is the surest source of " obedience." But it is presumed, that neither history nor reason will justify such a position, in any sound sense, or indeed in any sense at all, unless a government could be supposed to confine all the knowledge of a country to itself. *Knowledge* has been said, with apparent truth, *to be a species of power*. The *knowing* have power over the *ignorant*; even *the pretence of knowledge*, where *ignorance only* is opposed to it, has a similar advantage; and *knowledge*, like other kinds of power, the more exclusively it is possessed, the more it may be made an instrument of abuse. In the dark ages, when the stock of learning and information was comparatively little, and that little was shared only among a few, the abuses of knowledge and of pretended knowledge, and the ill consequences of those abuses, were greater than

of solid foundation. There is, and there ever must be, an essential dissimilarity between the two cases. The Americans were, in fact, Englishmen, (with some infusion of foreign Europeans, which may have contributed to alienate the colonies from this country,) they possessed all the energy of the European character, all the lights of Europe; they were born in a temperate

they have been in more enlightened times. In our own country, what numerous and gross evils prevailed in society from these causes? Corrupt churchmen and ambitious nobles, (who had the credit of superior intelligence as well as the honour of superior rank,) led the common people within their respective spheres, as they pleased. The common people indeed, had then a spirit of implicit obedience, but it subjected them continually to the impositions of those who assumed the direction of them, and generally to the detriment of the nation at large. Hence the history of this island, prior to the Reformation, exhibits a frequent succession of internal convulsions. That grand event introduced new light; and it was diffused among the lower orders, whose instruction became thenceforth an object of particular care. The consequences were, greater internal order, peace, and stability; thence sprung enlarged industry, adventurous enterprises, and all the long succession of prosperity which this country has enjoyed.

We have advanced to a high degree of improvement in sciences and arts, in all the conveniences and enjoyments of civil life. Vast commerce has brought vast wealth; and wealth has been followed by its too inseparable attendant, corruption of manners. Our old solid principles, which were the foundation of our greatness, have been gradually falling into disregard and neglect. They might have been well enough in our humbler beginnings, or in a less liberal age; but increased lights, greater elevation, and a fullness of all means of gratification, have seemed to many to plead first for relaxation, and then for the admission of other principles allowing a suitable enlargement in indulgences without fear. This spirit has spread through the whole mass of society. Writings and representations have helped the diffusion of it. Its effects have been visible on morals, and on the happiness of private life. Reverence for religion and for government has decayed. Both have been insidiously attacked from time to time; and at length, as the more mature produce of this spirit, some, disdaining the measured advances hitherto made in unprincipling men, and encouraged by the fatal consummation of a like career in a neighbouring country, have openly and furiously attempted the subversion of all legitimate authority, human and divine. The incendiary torch and the secret mine, have been industriously employed to destroy the venerable fabrics of our religion and our constitution. Seditious and atheistical writings, superlative in the impudence of their falsehood, have been particularly adapted to the vulgar taste; and obviously, because the ignorance of the vulgar exposes them to easier imposition, as the too general example which they had long seen around them, predisposed them to progressive boldness in licentiousness. Then it is, that some men seeing the foundations of our political existence thus attacked, begin to argue from the abuse of a thing against its use, and to think it would be better for the community, that the lower people should not be instructed even to read, as by such privation they would, it is conceived, be inaccessible to infection from the press.

But in fact, the evils of which we complain, originate in no small degree from the ignorance that has naturally followed the dereliction of right principles. The symptoms indicate a method of cure contrary to that which is proposed. The habit is diseased; the disorder, too deep to be reached externally, requires that the application be directed to its source. A return to ignorance may hasten the destruction of a society become corrupt through refinement, but can hardly contribute to restore it to soundness. At our advanced stage of improvement, it must be vain to imagine, that any retrograde movement we could effect in knowledge, would avail to secure the common mind from agitations and commotions. If any scheme of that kind even succeeded so far as to confine knowledge again among a smaller number, it could not reach to such characters as are now zealous to loosen and root out all received opinions in religion and government; but they would, on the contrary, be able to do more mischief than they effect now, because the more profound were the ignorance of the multitude, the more scope would there be, as in the dark ages, for the arts and activity of wicked men to work upon their credulity. Of this France has furnished a recent instance, too memorable to be ever forgotten. The want of knowledge and principle among the lower classes, left them a prey to Jacobinical impostures and delusions, by which they were hurried at once into the atrocities of anarchy and atheism.

It is not then by exposing our common people, unarmed and defenceless, to the daring blasphemies and sophistries of the preachers of impiety and sedition, that we can hope to keep them quiet. Our security lies, and lies only, in diffusing good instruction and right principles among them. In this too, the French revolutionists have afforded a lesson, which may suggest something useful to us. They endeavour that the minds of the people may not remain in that unfurnished state, of which they made advantage; but that the young especially, may be imbued with the tenets and prejudices favourable to their cause.

It is perhaps a mistake to suppose, that the common people among us, who have been most prone to tumult and disorder, are such as can read and write, or that the tendencies to commotion which have appeared, are to be ascribed to any degree of education possessed by that class. Besides that one reader in a circle or in a village would be sufficient to disseminate what was level to the vulgar understanding and acceptable to vulgar prejudices, and that the lower ranks are more affected by what they see or hear, than by what they read; those tendencies have chiefly manifested themselves in large towns, abounding with manufacturers, or idle vagabonds destitute of character or qualities sufficient to procure an honest livelihood, and it is therefore fair to presume, the least instructed part of the community. The manufacturers, generally put to work when yet children, often receive no education. When grown up, they are, not unfrequently congregated in large numbers, sometimes without due attention to decorum; they encourage each other in vice; and the gains of their labour enable them to pass the time of relaxation, in which they commonly include what ought to be allowed to sacred purposes, in dissolute indulgence. Among people of this character, there is combustible matter already prepared for the designs of those who seek to kindle discontent and disturbance. But the writer of these observations had occasion, not long ago, to see a contrast to this description, in a populous country parish. In that district there were very few persons of sufficient age, who could not read. The people were in general sober, decent, regular in their attendance on public worship; and in the course of twenty preceding

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perate climate, nursed in the largest principles of freedom; nay the seeds of republicanism were sown in the first formation of the leading colonies. They had already a popular government. They were inured to arms, to hardships, and toils. The spirit of improvement animated them in a thousand different lines. They were expert seamen; their country abounded in excellent harbours; and in their geographical situation, they were (with the exception of one or two of our detached, more recently settled colonies) the sole civilized people in a great tract of continent, which seemed to offer to them the tempting prospect of becoming there the only political power. With all this, they were near enough to our insidious enemies to be constantly instigated to resistance by their arts, and effectually aided by their arms and resources. To what one of these many particulars, shall we discover a parallel among our Hindoo subjects? To none, as they now are; and in various important points, no resemblance is ever to be expected. The origin, the physical character and condition, the intellectual, moral, and political state of the Hindoos, have already appeared, in the course of this essay, to be totally different. On their local circumstances only, it remains to say, in addition to what was before intimated, a few words. If they were ever "to exalt the spear of enmity" against their ancient masters, they would do so almost environed by Hindoos, whose faith they had renounced, and to whom their apostacy would have rendered them odious. Could they trust such neighbours as allies, or resist them as enemies? What their interest would obviously require them to avoid, surely we have no right to assume that they would be so unwise

years, one instance of the commission of a capital crime among them had not occurred. The doctrines of Paine found little to work upon in such a community; the Bible was reverenced there, and every man kept steadily within his own place.

But we are not left in this case to smaller instances of individual observation. An experiment has been going on upon a large scale for a long series of years, in the sight of the whole nation, in the two countries of Ireland and Scotland. The common classes of the former country have unhappily been too generally kept in ignorance to the present day; and are not the consequences most obvious and most serious? How lamentably are the lower people there distinguished by vicious, turbulent, and lawless proceedings? In what division of the British dominions has there appeared so great a propensity to embrace democratic, disorganizing principles? And it is observable, that these principles, and the barbarities of which we hear so much, have prevailed chiefly in remoter, less enlightened parts of the kingdom, whilst the vicinities of Dublin, Cork and other considerable places more civilized by knowledge, have been more orderly and quiet. Scotland, on the contrary, has been remarkable for attention to the instruction of the lower classes of its inhabitants, and they have, in general, been distinguished for near two centuries past by a spirit of sobriety and order. In the more remote inaccessible parts of that country, whither, obstructed by particular causes, light penetrated more slowly, regularity and good order were also of later establishment; but the natives of those divisions, misguided into excess on some occasions now long past, have since been as eminent for a quiet and peaceable demeanour at home, as for standing numerously in the foremost ranks of those who have bled for the interests and the honour of this country in every quarter of the globe; and at the present critical juncture have come conspicuously forward, in many bands, for the support of our constitution and our religion, against all enemies, foreign and domestic.

Indeed, if we were even to set aside the consideration of religion, and the good principles it inculcates, and to regard knowledge merely as power, or as an instrument of civilization, we might safely rest the present question upon this ground. The diffusion of knowledge would, in the end, render a nation more disposed to check the admission of disorganizing principles. Doctrines it is admitted, while new, might make, as they often do, an irregular impression; but at length these irregularities would be corrected by good sense and reflection; and surely literature, even in its lowest stages, must be allowed to be more favourable to the production of good sense and reflection than ignorance.

But when we take into the question the influence of religion and all its salutary principles, certainly no one who considers their force and tendency can hesitate how to decide. Christianity was given to be "*a light to the world*;" ignorance is declared in the inspired writings to be one of the leading causes of the ruin of the Jewish nation, and of the vices of the Heathens. The ancient Pharisees were condemned by the Author of our religion for taking away the key of knowledge, that is, the use of the Scriptures from the people; which also has been eminently the sin of the Romish Church. It is, on the contrary, a stated prayer of the Church of England, that the people may so *read* the word of God as duly to profit by it; and as that word "*thoroughly furnishes*" those who submit to it "*for all good works*," so where else shall we find such pointed authoritative precepts for the due regulation, order, and peace of society? "*Put the people in mind to be subject to principalities and powers, and to obey magistrates, not only for fear of human punishment, but for conscience sake; to submit to every ordinance of man for the Lord's sake, whether it be to the king as supreme, or to governors as sent by him, for so is the will of God. Prayers, are to be made for Kings and all in authority, that we may lead a quiet and peaceable life, in all godliness amd honesty.* Christians are commanded *to study to be quiet and to mind their own business, to fear God and the King, and not to meddle with those who are given to change.*"

Those therefore, who would, by withholding the knowledge of letters from the vulgar, abridge the use of the Scriptures, would in fact aid the views of such as wish to overthrow our Christian faith and our civil establishment. If there be any who misuse the doctrines of the Gospel, by teaching a wild and shallow religion, which may indeed too easily connect with political error and disorder, the remedy must assuredly be, in this or in any similar case, not to leave the field entirely to mistaken guides, but more strenuously to oppose error by truth; and if the same zeal, the same *personal interest*, with which the emissaries of sedition have laboured, were universally employed on the other side, rationally and solidly to inculcate right principles and wholesome instructions, we might comfortably hope, that the attempts of domestic and foreign enemies to excite internal troubles among us would end in their disappointment and disgrace.

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unwise as to commit. And if they called in the assistance of an European power, would they thus obtain independence, or only change one master for another? On all the coast of Hindostan there are but three or four good ports, and these at great distances from each other; though the shore is in many places accessible to an invading force, and there are some tolerable harbours in the islands of the Bay of Bengal, of which an enemy could take great advantage. Now if the Hindoos could be renovated in every other particular, no assignable period can be imagined for their acquiring and practising the art of navigation; and therefore those of them now subject to Great Britain must, in their supposed new circumstances, not only continue to need the supply of many wants from that country, but always be exposed to the hostile approaches of the navies of Europe. By a people so circumstanced, it does not appear how independence is attainable. They must, in effect, be at the mercy of the strongest maritime power. Whilst therefore, we continue to be that power, it is rather to be expected that their own interest, and the preference which their imitation of our manners will have given us over other European nations, will jointly induce them to remain safe under our protection; as these motives, on their part, will strengthen us in India against European invaders, and so contribute to maintain our naval superiority at home; which superiority, in the present state of our Hindoo subjects, is still more necessary for the preservation of our Eastern possessions, than it would be on the supposed approximation of that people to the British character.

It may now be fair to inquire into the propriety with which that species of doubt or apprehension, which has just been considered, insinuates, as it does, some moral relation between the American revolution, and such principles as are proposed to be introduced among our Indian subjects. Is it to be supposed, that if the Americans, being in their physical character, their local and political circumstances, the same, had professed Mahomedanism, or any pagan religion, they would not have been at least, equally prone to a revolution? If we had maintained in America, the same kind of despotic government which has prevailed in the East, where the sovereign, when dispatching a viceroy to a distant province, could seldom know that he should not soon have to send an army to reduce him to obedience, will it be asserted that our authority would have been better or equally secured? But after all that is said of the separation of the American colonies from Great Britain, it is now a fact well known, that it did not spring from the general disposition, or the previous design of the people: in the possession of all the advantages, which have been enumerated, they had not become impatient for independence; and among the reasons to be assigned for the attachment which then still remained among them for this country, may certainly be reckoned their possession of the same language and religion.

If it be urged, that a comparison between the American colonists, and the natives of our Eastern territories, can be justly instituted only in considering the latter, not as they are at present, but as they would be after all the proposed improvements were diffused among them, it may be answered, that our previous statement of the effects of these improvements, affords matter for this comparison, so far as things contingent and unknown, can be compared with things established and known; and that it is fair, for a double reason, to state the present disparity between the two races of people, first to shew the immense career which the Hindoos have yet to run, even in the prosecution of such improvements as are attainable, and secondly to demonstrate, that in the character, situation, and circumstances of the Americans, at the æra of their revolution, there were radical important distinctions, which no improvement, on the part of the Hindoos, could annihilate; or in other words, that they could never be expected to arrive at the point at which the Americans then stood.

Indeed those who know the country of Hindostan will probably think that political liberty is the last thing likely to flourish there. Though that country has been, from causes of a different nature which will be hereafter noticed, always subject to revolutions and convulsions; a revolution, the idea and act of the popular mind, upon the principles, or rather from an abuse of the principles of civil liberty, would be as great a political phenomenon as the world has exhibited, and one of which Asia has given no example. To bring a timid submissive people, whom the Tartars called, "*worshippers of power*," up to the manliness of the European character, to elevate the feeblest of them, the Bengalese, to so high a point of energy, that like the American descendants of the British themselves, they should plan the daring project of an independent empire, seems to be something beyond what has yet been seen, or is reasonably to be expected from the effects of institutions, civil or religious, upon nations.

Having thus considered the adverse consequences held forth by the objection, it may now be proper to notice more particularly, the favourable suppositions which it contains. The dangers it fears, are the dangers of prosperity. If then, this prosperity were realized, and the produce, the manufactures, and the riches of the country were greatly increased, as according to the objection, English manners, tastes and wants, must also have become common, would not exports thither, and the reciprocal commerce arising from the change (not to reckon the imposts which merchandize, now hardly taxed at all, would then easily bear) be proportionably augmented? For what series of years, and with what multiplying powers, may we then conceive this augmentation to be progressive? Large as the assertion may seem, perhaps the shortest term we could assign to it would produce an accumulation of commercial profits and advantages, more than tantamount to a very high valuation of the fee-simple of our provinces, if we could suppose a sale of them to be now made. And it is fair also to admit, that if the country were finally lost, our commerce might still be necessary to it, and possibly even continue to increase. Such then would be the conclusion afforded by this formidable objection; if for the sake of argument, we were to allow

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the process described in it, to go on without resistance to its exceptionable parts. But we trust, we have already shewn, that it is not entitled to this concession, and that whilst it holds forth evils, only as distant and hypothetical, it is obliged, as the sole ground of its apprehension, to admit advantages to be certain and proximate.

It remains now to examine one important position, already mentioned to be tacitly contained in the objection, "that in a system opposite to the one here proposed, must consist "our future safety and stability in India." Unwilling as the writer is, to enter on so delicate a subject, and indeed inadequate to the due treatment of it, he feels himself called by his argument, to make some circumspect observations upon it. Certainly in a political view, the great question which this country has to determine respecting India is, "What are the "best means of perpetuating our empire there*?" Not, what set of measures or line of policy may suit with the aspects of the day, or keep up the motion of the machine of government; but upon what general principles may we best hope to make our connection with that country permanent, and, as far as we can, indissoluble? Towards the determination of this question, perhaps it will be well to revert to the past history of our Indian provinces (or let us say to those of Bengal in particular, the chief seat of our dominion) and to the character of the natives of them. The English, it is true, were at first guided in their eastern administration, rather by nascent events, than by abstract principles or recorded experience; but however natural this may be, in the progress to establishment, a more extended survey of the course of past affairs in the acquired country, with their causes and consequences, may well befit the new possessors, when firmly settled in their power. It is not perhaps enough to exempt them from this review, that they follow a system of government widely different from the system of their predecessors, and are themselves a very different people. Among their Asiatic subjects, certain general properties which belong to human nature, and certain peculiar qualities resulting from a peculiar composition of society, may be expected to have a steady operation, where not controlled by stronger influences. If we look back then to the history of Bengal for five centuries, we shall find, that except in the period when the Mogul empire was in its vigour, and the component parts of it thereby kept in peace with each other, that country has been the scene of frequent revolutions; and we cannot fail to discover, that as the despotism of eastern government may be reckoned the first and remote principle of such changes, so they have immediately proceeded from two causes, the lawless spirit of ambitious adventure common among all the military tribes of Hindostan, and the nature of the general mass of the people inhabiting that region.

The Persians and Tartars, who have poured into it from early ages, have generally been soldiers of fortune, who brought little with them but their swords. With these they have not unfrequently carved their way to dignity and empire. Power has been, and is their darling object; nothing was scrupled by them to obtain it; the history of Mahomedan rule in Hindostan is full of treasons, assassinations, fratricides, even parricide is not unknown to it. These northern adventurers by their spirit and pursuits, became in fact an accession, of more active and stronger qualities indeed, to the military division of the people of Hindostan. The Hindoos, though held to be less prone to the shedding of blood, have not however, carried their nicety far, when the prize of sovereignty or authority has been in question; but among them, sanguinary ambition has been usually confined to the Brahmins and the military caste; to the latter more.

The military class of the Hindoos, which in its institution has some of the features of a militia, forms in reality a great standing army of mercenaries, ready to be hired on all occasions, though usually not obliged to enter into actual service. Thus the sovereign of a country cannot always command their assistance, whilst the existence of such a body may often render a domestic competitor, or a foreign enemy, formidable to him. From this copious source, any man of enterprise, whatever were his views or pretensions, could always find partisans, if he had funds to entertain them; the treasure of the prince has been often used by his servants, to hire men to despoil him also of his throne. No character has been so bad, no cause so unjust, as not to find an army to support it if there were money to pay them. The members of the military caste, conceiving themselves destined by their creation to fight, often take up arms with the same indifference and indiscrimination as a labourer takes up a spade; insomuch that it has not been unusual to see a defeated army join the standard of the victor, upon the same principle which carries the labourer from one employer, with whom business runs low, to another whose service and means he deems more sure. The military Mahomedans (for many of the descendants of the Tartars who settled in Hindostan fell into the lines of civil life) are equally ready as the military Hindoos to engage themselves in commotions, quarrels, and any species of warfare, both having always, in times of confusion, an eye to plunder.

From this institution of a military class, the wisdom of which is surely impeached by the general effects it has produced, the military spirit came at length to reside almost wholly in one portion of the people. And hence may, in part at least, have followed the abjectness of the inferior tribes, composing the main body of the nation, and their want of public spirit. However much they may, on different accounts, have preferred a Hindoo to a Mahomedan government,

* Some will be ready to answer, "By securing "to the people their religion and laws;" and in the just sense of the words, namely, that no violent change in either, contrary to the sense of the people, is to be enforced, we agree to the proposition. But what if the religion should be less favourable to our dominion than another system, and the people were induced voluntarily to make that other their religion; would not the change be for our interest?

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government, no instance is recollected of their rising to support any native prince, or keep out any invader. The whole history of the Mahomedan empires in Hindostan, as well as the traces we have of the anterior government of the Hindoos, and what we see in modern days, all concur to prove the slavish disposition of that people, and their want of attachment to their rulers.

From these several causes, the despotic genius of Eastern government, the exclusive hereditary allotment of the military profession to one class, and the abject character of the people, have proceeded the great encouragement of individuals to the violent assumption of power, and the frequency of insurrections, convulsions, and revolutions in that country. And the same causes, though their operation may, by various circumstances, be occasionally suspended, will as long as they exist, have a tendency to produce the same effects. Hindostan has alternately been united under one great head, or partitioned into many states. New conquerors have, in different ages, appeared on that continent, who increasing as they went on, have at length, by the vast number of their followers, overwhelmed every thing that opposed them. We now, indeed, see the empire of the Moguls prostrate, and may be apt to think, that arranged as the politics and powers of Hindostan are, the same order of things is not likely to return; but it was upon the subversion of the Patan empire that the Moguls rose; and may not a new adventurer, and a new horde from Tartary, establish yet another dynasty? It was perfectly in the option of Nadir Shah, when he entered Delhi as a conqueror, in 1739, to have done this*. And if one of those scourges of mankind who have so frequently desolated India, should again arise, sending his fame, and the idea of his "happy destiny" before him, might not the multitudes collected in his progress, poured out at length into the remote quarter of Bengal, endanger our existence there? Whether we suppose him to advance in the first flash of conquest, or after he had given a central consolidation to his power, he would be backed by the resources of a vast inland region, by large armies of horse, and myriads of infantry. If we now figure to ourselves the progress of his operations, it will not bring them nearer; it will be in order that we may be better guarded against them. The Tartars, unaccustomed to cope with our steady military gallantry and skill, might be repeatedly repulsed. Still fresh swarms of assailants might be brought forward, and season after season, invasion be renewed. We could bring few cavalry into the field; the numerous squadrons of the enemy might waste and exhaust the country; the landholders, from whom the revenues are derived, would, as is usual in Hindostan, upon the appearance of commotion, withhold the payment of their rents; the produce of the districts which the enemy might occupy, they would immediately appropriate; and the credit of our government, as indeed we even now experience in times of exigency, would not procure us any adequate supplies. We should thus be straitened and embarrassed in our resources; suspicions of our stability might arise in the minds of our subjects, and among them would be a great number of the military caste, unemployed by us, and ready to make their own use of any promising occasion. Many of those subjects, won by the splendour of new power, and the proud display of an imperial standard, or desirous of securing an early interest, perhaps indulging new hopes from a revolution, would fall away from us: others would wish for a cessation of predatory vexations, at the expense of our expulsion. The Sepoys, whose attachment to us has appeared surprising, though the causes of it seem neither inexplicable nor immutable†, supplied tardily, and perhaps only partially with the pay, of which the regular advance had before so conciliated them to our service; and instead of being animated by the career of victory, cooped up in a dubious defensive warfare, might also be tempted to listen to the large offers of a dazzling leader, in whom their ready notions of fatalism might easily present to them a new *king of the world.* In such an arduous crisis, we trust that every thing to be expected from bravery, fortitude, and military science, would be performed on our part; but must not our lasting dependence be chiefly on British troops, on our maritime power, and on supplies by sea? With all these, it is very easy to see how oppressive, how threatening, a long struggle, maintained under such circumstances, possibly by aids derived from the mother country, must be to us; how much also it must shake our interests and our stability in the rest of India. Now in any such state of things, in any case of the same nature, less extreme, what would be of more importance to us, what could so effectually fortify our cause, as to have the people of our territories sincerely attached to our government; to have established in their minds such an affectionate participation in our lot, such an union with our interests, as should counteract the defection, defalcations, and treachery, to be otherwise apprehended from the ordinary bent and practice of the Asiatic character? We should thus have the service of all the resources which our rich provinces contained, we should have the steady adherence and co-operation of the people, and in this way, might certainly confound and baffle even the powerful preparations of an imperial despot, to whose affairs long and spirited resistance might prove highly detrimental, by encouraging distant provinces which he had before overrun, to throw off the yoke. And how are our subjects to be formed to a disposition thus favourable to us, to be changed thus in their character, but by new principles, sentiments, and tastes, leading to new views, conduct, and manners; all which would, by one and the same effect, identify their cause with ours, and proportionably separate them from opposite interests? It is not, we may venture to affirm, from such a change, but in continuing as we are, that we stand most exposed to the dangers of political revolution. The objection which

* If we had, we might probably have still been mere merchants in India.

† See note to page 25.

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which conceives remote evils to result from a plan of improvement, does not advert to others which may, in the mean time, arise from causes of a different kind. We join with it in the desire of securing in permanence, the fair possession this country has obtained (more, it may be concluded, by the over-ruling dispensation of Providence, than by any scheme of man,) but differ as to the means. To us it appears, that nothing promises so fair for the end proposed, as engaging the attachment and regard of the people, and removing those causes which have hitherto made them so acquiescent in every change. It was this passive temper, joined to the expectations which many might entertain from the deposition of the reigning Nabob, that contributed to our easy acquisition of the country; but the same temper would render our hold of it less sure in any arduous contest. At present, we are every way different from the people whom we hold in subjection; different in country, in language, in manners, in customs, in sentiments, and in religion; their interest also, for the reasons mentioned in the early part of this memoir, they must conceive to be different from ours. What then can be a healing principle with regard to all these points, but a principle of *assimilation*, a *common-bond*, which shall give to both parties the reality and the conviction of mutual benefit from the connection? Without an uniting principle, a conjoining tie of this nature, we can suppose the country to be, in fact, retained only by mere power; but in the same degree that an identity of sentiments and principles would be established, we should exhibit a sight new in the region of Hindostan, a people actively attached, cordially affected to their government, and thus augmenting its strength. In this laudable way, we should become more formidable to the other powers of that continent, we should be best secured against foreign enemies, insurrections, and the dangers of an hereditary military body; we should have more support from the mass of the people, and in a word, be most effectually guarded against a revolution.

It is remarkable, that the radical principle of the conclusion thus made, a conclusion to which an acquaintance with the Indian character, and the experience that progressive time has afforded of the effects of knowledge, particularly the divine knowledge of Christianity, may now easily lead an ordinary mind, directed, according to the judicious historian of *The ancient European Intercourse with India*, the policy of the Grecian conqueror of that country, in securing his Eastern acquisitions. However different, in other respects, the circumstances of that celebrated personage may be from ours, in this we agree with him, that we have an Asiatic empire to maintain. And Dr. Robertson, who in acknowledging the eccentricities of that extraordinary man, gives him also the credit of profound political views, observes, " he early perceived, *that to render his authority secure and permanent, it* " *must be established in the affection of the nations he had subdued, and maintained by their* " *arms*; and that in order to acquire this advantage, all distinctions between the victors " and the vanquished must be abolished, and his European and Asiatic subjects be incor- " porated and become one people, *by obeying the same laws, and by adopting the same* " *manners, institutions, and discipline.*" It is the leading idea only of this policy, that is meant to be applied here; and that leading idea is plainly the principle of *assimilation*. It would neither suit us, nor our subjects, to act upon it universally, as Alexander proposed. We ought not to wish, that the distinctions between the two races should be lost, or to aim at introducing into Asia laws framed for this country; but to attach our subjects by affection, by interest, by winning them to our religion and our sentiments,—this would be at once to add to their happiness, and to arrive at the same object which the great conqueror had in view, that of rendering our authority " permanent and secure."

This policy is recommended by some other considerations, which shall be briefly noticed. It is sufficiently understood, that since our first appearance on the theatre of Indian war and politics, the native powers have improved in military discipline, and that we now find it necessary to bring into the field, armies proportionably larger than those that served to achieve our early victories. Having so interesting an evidence of the capability of the natives to improve, there appears no good reason to conclude, that their advancement in military skill may not be further progressive. It is extremely probable, that the beneficial effects of our civil policy will also in time force themselves upon their attention, and from the cogent motive of self-interest, produce at least some imitations. All the advances they make in the arts of war or of peace, will serve to lessen that superiority in both, by which, under the disadvantages attaching to us as foreigners, and with forces comparatively small, we have acquired an ascendency among the powers of Hindostan. The nearer we approach to an equality, the more these disadvantages will be felt. Our business seems to be therefore, by new resources in policy, still to preserve the relative rank in which we have hitherto stood; and what can more directly conduce to this end, than to infuse new principles of attachment, of activity, and industry, among the people we govern, thus strengthening their character, and deriving additional support from them.

The European nations have an undisputed possession of the Indian seas, and are now so much connected with the continent of India, that every material change which takes place in them, may be expected, in some shape or other, to extend its influence thither. It cannot be irrational, therefore, to suppose, that the astonishing events which have lately convulsed Europe, and are likely to produce consequences durable and momentous, may have their bearings upon our Asiatic interests. That exorbitant ambitious power which seeks our destruction, may aim, by different channels and instruments, to excite troubles and disorders in our possessions, or to embroil us with our Indian neighbours. The Cape of Good Hope, the head of a vast country, in a fine climate, and singular in the felicity of its position for a great emporium, whether it remain with us or fall under French influence, will probably, by a change already begun in its internal policy, swarm, at no distant period, with a numerous

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race, of European character and descent, planted at the entrance into the Indian seas, and within two months sail of the Indian coasts. Another great colony of the same race, in a climate equally favourable to the human constitution, is springing up on the eastern side of the Indian Ocean. The appearance of many adventurers of these descriptions on the shores of Hindostan, as one day they may be expected to appear, (a day perhaps nearer than it is possible to bring other apprehended improvements,) can hardly fail to have some effect upon the political affairs of that country, those of the native princes as well as our own. In all these, or any other supposable cases then, the more closely we bind the people under our rule to ourselves, the more firmly shall we be prepared, in that quarter, against adverse events and combinations.

It may be urged by some, in opposition to the systematical improvement here proposed, that the influence of the British government and character, especially where the intermixture of Europeans is large, will of itself gradually produce a change in the sentiments of our Eastern subjects. Let this position be, to a certain degree, admitted; it is one interesting enough to merit some attention. The English, in their obscure commercial state, were little known or regarded by the people whom they now govern. Their elevation to power, brought into public display all the particulars of their character, with their manners and customs. These, in various instances, at first shocked the prejudices of the Hindoos, who thought, with a kind of horror, of the new masters to whom they bowed. But by degrees they perceived, that usages the most repugnant to their ideas, were free of that turpitude which they had associated with them. They found these foreigners superior to them in general powers and knowledge, in personal honour and humanity; and at length saw the British government assume a character of equity and patriotism, unknown in their preceding administrations. These qualities, it shall be granted, have a tendency to conciliate in some measure, the natives *who are near enough to observe them.* Among those who live in our settlements, or are much connected with Europeans, long habits of intercourse have softened down repugnancies, or blunted the sensations which our manners at first inspired; and there is in such, an apparent, perhaps a real abatement of jealousy and solicitude respecting their own notions and punctilios. But in all these varying aspects of the European character, something essential to those disposed to fall into an imitation of it has been absent. Men that meet together in this country for the purposes of business, seldom enter into communication respecting the foundations of their faith and practice; any serious discussion of this nature, occurs still more rarely there. The indifference for religion, which Mr. Hume ascribes to the English in general of the present age,—(he calls it profound indifference,)—may there pass for liberal toleration, or complaisant forbearance towards inferiors of another faith. Discovering in their intercourses with us little of the nature of the religion we profess, they will not, of course be apt to refer the good qualities of which the English appear possessed, to that source; nor will they know, that the national standard of morals formed from it, has an influence, even upon the conduct of those who pay no particular regard to a religious system. If then any of the Hindoos should, in time, feel some tendency to imitate that freedom in manners, sentiments, and intercourse, that latitude as to religious opinions and observances, which they see in their European masters, what would be the consequence but evidently this, that they would be loosened from their own religious prejudices, not by the previous reception of another system in their stead, but by becoming indifferent to every system. For a transition from one error to another is, it must be acknowledged, more readily made, than a transition from error to truth. Error is more easily imbibed, more hardly eradicated; truth more slowly received, more easily resigned. And in this way it is, that if we conceive the anarchal principles which have burst forth in Europe ever to spread to India, they will be most likely to have their entrance. Indeed so wonderfully contagious do they appear to be, so congenial to the worst qualities of human nature, that it may be difficult to point out a place where they can find nothing to fasten upon. Societies in which much corruption and much superstition prevail, seem in general more liable to them, than those in which true religion and morals are still strongly rooted. The French, it will readily be allowed, fell into them more readily than they would have embraced any scheme of personal reformation, or a more pure and strictly practical religious system. The abuses of civil and religious institutions lead to them, and furnish the most plausible pretences for them. False principles, and the fooleries of a false religion, even when used to support things good in themselves, as government and subordination, would ill stand before such arts and abilities as have lately assailed the truth. Truth only is invincible. To teach it therefore, is to take the surest means of excluding the infection of licentious disorganizing sophistries. A change from false religion to the true, is a movement from an exposed place to a strong fortress; and every advance made in the system of moral and religious instruction here recommended, so far from opening the way to those loose latitudinarian notions which tend to a rejection of all authority, would establish rights, human and divine, upon their proper basis, and bind the conscience to the observance of them.

To these considerations, which on the whole may certainly be deemed not unworthy of attention, two other reflections may serve to give additional weight. First,—It is to be feared, that the number of lower Europeans will go on to encrease in our territories; they mix most with the natives, and by them the worst part of our manners will be exhibited. Secondly,—By the security which we have with great wisdom given to the land tenures of Bengal, the value of property there, and the consideration arising from the possession of it, will naturally be enhanced, so that in process of time, the owners of large estates, hitherto little productive to them, may become of consequence by their wealth and possessions. We know also, that encreasing prosperity tends to strengthen pride and disorderly propensities. Here

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again, therefore, we find motives for the introduction of our principles;* for if some at least, both of the higher and lower orders, may be led, by European manners, to adopt new ideas of relaxation, at the same time that new powers are put into the hands of the former, we ought, in good policy and reason, to communicate to them a system which, divested of all burthensome unnecessary ceremonies, and all superstitious folly, is yet calculated to produce a purer and higher influence than their own, upon the general moral conduct, and all the relative duties of life. As then we have already been gradually led, by good sense and expediency, to introduce regulations derived from our national ideas and principles, into the government and management of our possessions, their advantage and our safety may dispose us also to wish, that our religion and moral principles might obtain a fair establishment there; for if we can suppose, that through the encreasing relations between Europe and India, the common lights and manners of Europeans adventuring thither should ever make a strong impression, unaccompanied by the knowledge of those principles, which do not propagate themselves spontaneously, and are not to be implanted without culture and care, that change might not be favourable to our interests; since the present circumstances of Europe seem emphatically to point out, that nothing but such principles can be depended upon, for keeping subjects in obedience and subordination*.

In

* These several objections, and the answers to them, excepting the sixth and seventh, were, as to their substance and scope, committed to writing in the latter end of the year 1792, though not then in any shape brought into notice. In April 1793, a discussion took place in a general Court of Proprietors of East India Stock, in which almost all the same objections were advanced, by persons with whom the writer never had any communication on such subjects. This was on occasion of two resolutions which the House of Commons, very honourably for itself, had voted in the view of introducing the purport of them into the Act of Parliament then about to be passed, for renewing the charter of the East India Company. The Resolutions were these:

"RESOLVED, That it is the opinion of this "House, that it is the peculiar and bounden "duty of the legislature, to promote, by *all just* "and *prudent means*, the interests and happiness "of the inhabitants of the British dominions in "India; and that for these ends, such measures "ought to be adopted, as may *gradually* tend to "their advancement in *useful knowledge*, and to "*their religious and moral improvement.*

"RESOLVED, That sufficient means of religious "worship and instruction be provided for all "persons of the Protestant communion in the "service, or under the protection of the East "India Company in Asia, proper ministers being "from time to time sent out from Great Britain "for those purposes; and that a chaplain be "maintained on board every ship of 500 tons "burthen, and upwards, in the East-India Com-"pany's employ; and that moreover, no such "ministers or chaplains shall be sent out, or "appointed, until they first shall have been ap-"proved of, by the Archbishop of Canterbury, or "the Bishop of London, for the time being."

Several Proprietors of East India Stock made a violent attack upon these resolutions, and the following is an abstract of all the arguments or objections urged against them, as they are reported by Mr. Woodfall. It is with reluctance that any reference is made here to the opinions then given, because they stand connected with particular names; and it is far from being the wish of the writer to introduce any thing that may seem to have even a remote tendency to personality; but as opinions delivered in a public assembly, and afterwards made more public by the press, are fairly open to animadversion, so justice to the present subject, renders some notice of those now in question, indispensable.

OBJECTIONS STATED GENERALLY. "That "sending missionaries into our Eastern territo-"ries, is the most wild, extravagant, expensive, "unjustifiable project, that ever was suggested "by the most visionary speculator. That the "principle is obnoxious, impolitic, unnecessary, "full of mischief, dangerous, useless, unlimited."

SPECIFIC ARGUMENTS, *First Class.* "The "plan would be dangerous and impolitic; it "would affect the peace and ultimate security of "our possessions. It tends to endanger and "injure our affairs there most fatally, it would "either produce disturbances, or bring the "Christian religion into contempt. Holding one "faith or religion, is the most strong common "cause with mankind, and the moment that took "place in India there would be an end of British "supremacy.

"That the principle of proselyting was *impo-"litic*, and was, or ought to be exploded, in so "enlightened a period as the eighteenth cen-"tury."

"That it would be a most serious and fatal "disaster, if natives of character*, even a hun-

* It will be remembered, that these are chiefly *Idolaters*, something of whose character and worship we have already seen. With whatever indifference idolatry may be viewed, and however venial it may be accounted in these times, even by persons born in Christian countries, it is a crime against which the displeasure of the holy and true God, the sovereign and unerring judge of the qualities of actions, is expressed, with peculiar indignation, contempt, and abhorrence, throughout that revelation which he hath vouchsafed to us; and it is therein shewn to have often brought on, by its nature and effects, the misery and ruin of individuals and of nations.

Even the wiser men of ancient Pagan Europe, between the superstition of which, and the idolatry of the Hindoos, an identity has been proved, (by Sir William Jones, in the Asiatic Transactions, Vol. I.) saw and complained of the evils of their popular system of religion. Cicero brings in an Epicurean philosopher, arraigning that system in severe terms: "The most absurd things, observes he, are said by "the poets, things which are noxious even by the agreeable "style in which they are conveyed; for they have intro-"duced gods mad with anger, inflamed with lust, and have "presented to our view their wars, battles, fightings, "wounds; their hatred, differences, strivings; their births, "deaths, complaints, lamentations; their lusts, exceeding "in every kind of intemperance; their adulteries, fetters; "their lying with mankind, and mortals begotten of im-"mortal gods." (*De Nat. Deor. Lib.* I. §. 16.) And again, in the person of a Stoic, he thus reprobates the same system: "The introduction of feigned gods, has begotten false "opinions, and turbulent errors and superstitions, no better "than old wives' fables; for the figures of the gods, their "ages, dress, and ornaments, are set forth; their alliances, "marriages, affinities; and all are reduced to the similitude, "of human imbecility: They are brought in as men dis-"turbed by passion; we hear of their lusts, sickness, "anger; yea as fables tells us, the gods have not wanted "wars and battles ..... These things are said and *believed* "most sottishly, and are full of extreme vanity and futility." "(*Ibid. Lib.* II. §. 28.)

To these base gods, however, temples were erected, and divine honours paid. They had their costly trains of priests, services, sacrifices, festivals, and games. Some of their rites were atrociously cruel, others infamous for debauchery, prostitution, and the most unbridled excesses. Hence corruption was diffused among the people, the moral system, even of the philosophers, was very defective, and their allowed practices, in some respects abominable.

In coming, as we now do, to the close of the answer to the last and most material of the objections which are foreseen against the proposed scheme, that objection which questions the expediency of using the English language, it will be proper to call to recollection what was stated in the first opening of it,—that the *principle* of communicating our light and knowledge,

" dred thousand of them, were converted to " Christianity."

" That the establishment of seminaries and " colleges in America, was one of the most " efficient causes of the loss of that country.

" That suffering young clergymen, (who are " usually of pleasurable habits,) to over-run the " interior of India, would be dangerous, and " prove ultimately destructive to the Company's " interest."

Second Class. " The scheme would be un- " successful. It is extravagant to hope for the " conversion of the natives. They are invincibly " attached to their own castes; their prejudices, " manners, and habits, are all against a change."

" It is vain to attempt to overcome prejudices " fixed by the practice of ages, far exceeding the " time in which Britons had any idea of religion " at all. The attempt is, in these views, idle, " absurd, and impracticable."

" Only the dregs of the people can be con- " verted; they will pretend conversion, and dis- " grace Christianity.

" The higher and more respectable natives, are " people of the purest morality, and strictest " virtue, (this was said only by one speaker, who " knew little of India.)

" The services of religion are devoutly per- " formed in the Company's settlements and ships, " either by clergymen or laymen, and their eccle- " siastical establishments are sufficient."

Third Class. " The *scheme would be expensive.* " The expence would be enormous, intolerable; " one, two, or three hundred thousand pounds."

Fourth Class. " The scheme would be un- " limited, in respect of the numbers and qualifi- " cations of the missionaries."

All these objections will be found already answered in the text. A few brief remarks upon them may however be proper, and will be sufficient here.

1st. The objections urged in general terms, are merely declamatory. They are accompanied by no reasonings or elucidations. But *the principle* which they censure as the most wild, extravagant, unjustifiable, mischievous, dangerous, useless, impolitic, that ever was suggested by the most visionary speculator, *is the principle of the Gospel itself.*

The Gospel was propagated by missionaries; missionaries planted it in the different countries of Europe. Almost all those countries have, in imitation of the same practice, sent missionaries into infidel parts: and how is it possible for men to communicate it otherwise? In this kingdom, two societies are established by royal charter, for propagating the Gospel in Heathen lands; and there is a third society of long standing, employed in the same object, which enrolls among its members, many of the most eminent persons of the nation. So much for the antiquity, authority and general acknowledgment of *this principle*, which is treated as if nothing like it had ever been heard of before.

2d. It is obvious, that the first and second classes of specific objections, militate against each other. Since the scheme proposes only a pacific exposition of Christian truths, it cannot be both dangerous and unsuccessful. The danger is avowedly founded mainly, if not wholly, on the supposition of success. If success therefore is not to be hoped for, where is the danger? And again, if the scheme really threatens so much danger, what becomes of the argument against success?

These contradictory objections cannot both be just. The same speaker however, who is reported to have " *thanked God*" that the conversion of the natives would be a matter of *impracticability*, strenuously opposed the scheme on this ground, that the moment they and we came to hold one faith there would be an end of our supremacy in the East: but if he thought it *impracticable* to convert them to our faith, with what reason could he urge the *danger* which would follow from such conversion as a serious and alarming objection? When the *cause* does not *exist*, neither can that, which can only flow from it as its *effect.*

3d. The *principle of not communicating to the Hindoos the Christian religion, lest this should in the end, destroy our government over them*, is however here fairly acknowledged and argued upon. The establishment of seminaries and colleges in our American colonies, is in the same spirit adverted to in a way of warning; as if Christianity had produced the revolution there, when in fact they were men of infidel opinions, who planned both the American and French revolutions.

The reason assigned in justification of this precautionary principle also deserves attention; " because holding one religion is the most strong " common cause with mankind." If the proposal had been, that the English should become converts to Hindooism, this argument might have been well placed; but applied to the present scheme, it can only operate in favour of it.

4th. It is curious to find it alleged, among the arguments against the proposed clauses, that some of the Hindoos were too good, and others too bad to be converted.

This was advanced by only one gentleman, little acquainted with India, whose speech happening by a common newspaper to reach the Reverend Mr. Swartz, already noticed as long a missionary of distinguished reputation in the Tanjore and Trichinopoly districts, produced from him a vindication of the conduct and effects of the mission in which he is concerned; a vindication framed indeed in modest and simple terms, suitable to the character of the writer, but highly honourable to the cause of missions, and though he intended it not, to his own. This piece, too good to be concealed, has been printed in the Transactions of the English Society for promoting Christian Knowledge, and a copy of it is given in the Appendix.

The assertion of the same speaker, that the higher natives of India are people of the purest morality and strictest virtue, is altogether new, and in palpable opposition to testimony and experience. Upon the gospel scheme, no man is too good or too bad for the benefits it proposes; and there is a very large class between the best and the worst, of whom the speaker took no notice. His other assertion, that the ceremonies of religion, or the service of the Common-prayer Book, were with great decency and devotion regularly performed by laymen on board the Company's ships, and on land, in places where there happened to be no clergyman, is a topic for ridicule, if the subject were not of so serious a kind; the reverse of this assertion being so notorious. And is there no use for a minister of religion, but to perform a ceremony, or to read a form of prayer once a week?

5th. The objections urged on the ground of

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ledge, and the *channel* or *mode* of communication, were two distinct things; that the admission of the former did not depend on the choice which might be made of the latter, and was alone absolutely contended for. The channel of the English language, however, has been preferred, in the present plan, as being deemed the most ample and effectual; and though new, also safe and highly advantageous. Against this channel, however, the writer thinks it possible, that reluctancies may remain when arguments are obviated. Strongly as he is himself persuaded, that great and peculiar advantages would flow from it, he nevertheless would do injustice to the cause for which he pleads, if he were to suspend its success entirely upon the adoption of this mode. The channel of the country languages, though less spacious, less clear, less calculated to transmit the general light of our opinions, our arts, and sciences, less free also for the conveyance of the light of religion itself, is nevertheless so far capable of rendering this last and most important service, in which are essentially involved all the other proposed meliorations, that if the question were between making no attempt, or making it in this way, undoubtedly there could be no hesitation. This mode ought, by no means to be declined or neglected, if there were no other. Through the medium of the country languages, though more contracted, more dim, and distant, still something may be done, and that in a concern which is of the last importance to present and to future happiness. But in choosing this method, more instruments ought necessarily to be employed; and then the meliorations which are so much wanted, may in time be partly effected; and the apprehensions which some may entertain from the diffusion of the English language, will have no place. But still it must be maintained, that for every great purpose of the proposed scheme, the introduction and use of that language would be most effectual; and the exclusion of it, the loss of unspeakable benefits, and a just subject of extreme regret.

THUS, we trust, it has been evinced, that although many excellent improvements have of late years been made in the government of our Indian territories, the moral character and condition of the natives of them is extremely depraved, and that the state of society among that people is, in consequence, wretched. These evils have been shewn to lie beyond the reach of our regulations, merely political, however good; they have been traced to their civil and religious institutions; they have been proved to inhere in the general spirit and many positive enactments of their laws, and more powerfully still in the false, corrupt, impure, extravagant, and ridiculous principles and tenets of their religion. Upon any of these points, it is conceived, that persons who either form their opinion, from actual observation, or from the current of testimony, will not greatly differ; shades of distinction there may be between them, but no substantial, radical contrariety. A remedy has been proposed for these evils;—the introduction of our light and knowledge among that benighted people, especially the pure, salutary, wise principles of our divine religion. That remedy has appeared to be in its nature suitable and adequate; the practicability also of applying it has been sufficiently established; our obligation to impart it has been argued, we would hope convincingly, from the past effects of our administration in those countries, from the more imperious consideration of the duties we owe to the people of them as our subjects, and from our own evident interest, as involved and consulted in their welfare. Our obligation has been likewise urged from another argument, the authority and command of that true

the *unlimited* expence of the scheme, the *unlimited* numbers of the clergy that would be sent, their *improper* character, and *their roving through the country*, all go upon assumptions not only unwarranted, but contradicted by the tenor of the clauses themselves, and in opposition to the dictates of common sense. The Directors of the Company were themselves to be entrusted with the execution of the scheme; they were to judge of the number of missionaries sufficient, they were to regulate the expence. Was it conceivable, that they would have gone, in either article, to a length burthensome or dangerous to the Company? Was it conceivable that they would have suffered missionaries to ramble, at their pleasure, through the country, if the missionaries sent should have been men so disposed? but can it be imagined, that the friends of the scheme and the respectable authorities whose testimonials were to render the missionaries receivable by the Company, (not to force them into their employ,) would have had so little regard to the success of their own object, as to select persons the least likely to promote it? In fact, the danger was of another kind; so much was left in the discretion of the Directors that if they should have had the disposition, they might also have possessed the power, very materially to thwart the prosecution of the scheme. And as to the real number and expence of missionaries at first, the former, if proper persons should have been found, would perhaps have been thirty; and the annual charge of their establishment, including dwellings, probably about fourteen thousand pounds.

6th. Upon the whole of this discussion, it appears to have been undertaken with a vehement determination against the principle of introducing Christianity among our Asiatic subjects; but without much previous consideration, or a large acquaintance with its bearings and relations, still less with a dispassionate temper of mind; for arguments subversive of each other, assertions palpably erroneous, assumptions clearly unwarrantable, were pressed into the opposition; the question was argued chiefly upon a partial view of supposed political expediency, and the supreme importance, authority, and command, of Christianity, were left out of sight.

It ought to be remarked, upon the second of the two resolutions passed in the House of Commons, that the maintenance of a chaplain on board every ship of considerable size, employed in the long navigation to and from India, was the early spontaneous practice of the Company, and enjoined to them in the charters of King William and Queen Anne, the clauses of which, respecting this point, the said resolution did no more than revive.

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true religion which we have ourselves the happiness to enjoy and profess*. As the leading subject of this essay has been intentionally treated chiefly upon political grounds, the argument now mentioned has not been insisted upon at great length; but all its just rights are claimed for it, and it is transcendent and conclusive.

Nothing it would seem besides these intrinsic properties of the proposed measure, and these powerful extraneous motives, can be necessary to recommend the adoption of it. Yet since some persons have appeared to think, that the improvements which they allow to be likely from the prosecution of the suggested scheme might, by producing a course of encreasing prosperity, at length open the way to consequences unfavourable to the stability of our Indian possessions, these conceived consequences have also been largely examined; and if the whole of the reasoning used by the writer has not been erroneous, they have been found to resolve themselves at last into mere apprehensions, conjectures, and general surmises, which the causes assigned for them seem so little to warrant, that in proportion to the degree in which those causes may actually exist, effects propitious to the permanence, as well as prosperity of our Eastern dominion, effects more propitious than our present system can generate, may rather be expected from them; as indeed it would not be less a phenomenon in the political than in the natural world, that from a root the most excellent, the worst fruit should be produced. The principle also upon which such consequences are objected, and the improvement of our Heathen subjects opposed, the principle of keeping them for ever in darkness and error, lest our interest should suffer by a change, has been shown to be utterly inadmissible in a moral view, as it is likewise contrary to all just policy.

In reasoning about things future and contingent, the writer would wish to stand remote from whatever should have the appearance of dogmatical decision, which indeed is not the right of even superior penetration, and to speak with that diffidence of himself, and deference for others, which so well become him; he would wish to speak for no cause further than the truth will bear him out; but the views he entertains of the present subject afford him no other conclusions than those he has advanced, and in them he thinks he is well supported. That a great remedy is wanted; that we have an excellent one in our hands; that it is our duty, on general and special grounds, to apply it; all these, are in his apprehension, positions nearly self-evident: from these alone a strong presumption, he conceives, arises, that it must be our interest to make the application; and if cogent specific reasons are further adduced to prove, that our interest would, in fact, thus be promoted, opposition to this scheme ought, in his opinion, to be justified by arguments very clear and very powerful; and such, he must honestly say, he has not been able to discover.

This subject has not hitherto received a formal consideration; but the objection which would resist all improvement, lest future inconvenience should arise from it, necessarily brings on this decisive question, whether we shall, in all time to come, passively leave our subjects in the darkness, error, and moral turpitude in which they now grovel, or shall communicate to them the light of truth, and the means of melioration, and of happiness personal and social? The question may more properly be,—whether we should *keep* our subjects in their present state? For if improvement ought not to be communicated to them, we should not be merely passive, but be careful to exclude it; as on the other hand if it ought to be communicated, or if it is possible that any rays of light may fortuitously break in upon them, we should not leave the task to others, or to chance, but be ourselves the dispensers of the new principles they receive, and regulate the administration of them. This question then is to determine the grand moral and political principle, by which we shall henceforth, and in all future generations, govern and deal with our Asiatic subjects: Whether we shall make it our study to impart to them knowledge, light, and happiness; or under the notion of holding them more quietly in subjection, shall seek to keep them ignorant, corrupt, and mutually injurious, as they are now? The question is not, whether we shall resort to any persecution, to any compulsion, to any sinister means:—No: the idea has been frequently disclaimed; it is an odious idea, abhorrent from the spirit of true religion; but whether, knowing as we do the falsehood and impiety of idolatrous polytheistic superstitions, knowing the cruelties, the immoralities, the degrading extravagancies and impositions of the Hindoo system, we shall silently and calmly leave them in all the fulness of their operation, without telling our subjects, who ought to be our children, that they are wrong, that they are deluded, and hence plunged into many miseries? Whether, instead of rationally, mildly explaining to them the divine principles of moral and religious truth, which have raised us in the scale of being, and are the foundation of all real goodness and happiness, we shall wink at the stupidity which we deem profitable to us; and as governors, be in effect the conservators of that system which deceives the people? Whether, in a word, we shall do all this merely from fear, lest in emerging from ignorance and error, they should be less easy to rule, and our dominion over them be exposed to any risk.

The wisdom, as well as the fairness of such a proceeding, must also be determined; whether on the whole it would be the best policy for our own interest, even if we look only to the natural operation of things: and here at least we should be careful and clear; for if we mistake our interest, we lose our all, the very thing to which we sacrifice other considerations:

* To disallow either the fitness of our religion as a remedy, or our obligation to promote the knowledge of it, would be to differ from the reasoning of this essay in first principles; and such a difference, if any mind were influenced by it to resist the projected communication, ought in candour to be avowed.

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siderations: especially it should be pondered, whether believing the moral government of the world, we can expect the approbation and continued support of the supreme Ruler of it, by willingly acquiescing in so much error, so much moral and political evil, when so many just means for the alleviation of them are in our power.

These are the inquiries which this subject presents; the inquiries which fidelity to it, and to all the interests involved in it, would not permit the writer to suppress when he originally considered it; and the same motives, to which he may add, the duty of the station wherein he has since had the honour to be placed, forbid him to keep them back now: But does he in stating them, mean to point them offensively to any individual or body of men? No,—far from it; they were, at first, penned as they are now delivered, in good will and with a general aim: in this great question he strives rather to abstract his mind from personal recollections; and if it glances involuntarily at the idea of any one who he fears may not accord with his sentiments, if he should especially dread to find among such any whom he particularly respects and loves, it is a painful wound to his feelings. He cannot wish to offend or to dispute,—he has no objects to serve by such means; and is sufficiently aware of the situation in which a work of this nature may place him, both in Europe and in India, never to have brought it forward but from some serious sense of duty. This question is a general one; if it seem to carry in it any retrospective censure, that censure applies to the country and to the age. Circumstances have now called for a more particular consideration of it, and of the result of that consideration he entertains encouraging hopes. He will not allow himself to believe, that when so many noble and beneficial ends may be served by our possession of an empire in the East, we shall content ourselves with the meanest and the least, and for the sake of this, frustrate all the rest. He trusts we shall dare to do justice, liberal justice, and be persuaded, that this principle will carry us to greater heights of prosperity, than the precautions of a selfish policy. Future events are inscrutable to the keenest speculation, but the path of duty is open, the time present is ours. By planting our language, our knowledge, our opinions, and our religion, in our Asiatic territories, we shall put a great work beyond the reach of contingencies; we shall probably have wedded the inhabitants of those territories to this country; but at any rate, we shall have done an act of strict duty to them, and a lasting service to mankind.

In considering the affairs of the world as under the controul of the supreme Disposer, and those distant territories, as by strange events, providentially put into our hands, is it not reasonable, is it not necessary, to conclude that they were given to us, not merely that we might draw an annual profit from them, but that we might diffuse among their inhabitants, long sunk in darkness, vice, and misery, the light and the benign influences of truth, the blessings of well-regulated society, the improvements and the comforts of active industry? And that in prudently and sincerely endeavouring to answer these ends, we may not only humbly hope for some measure of the same success which has usually attended serious and rational attempts for the propagation of that pure and sublime religion which comes from God, but best secure the protection of his providential government, of which we now see such awful marks in the events of the world.

In every progressive step of this work, we shall also serve the original design with which we visited India, that design still so important to this country,—the extension of our commerce. Why is it that so few of our manufactures and commodities are vended there? Not merely because the taste of the people is not generally formed to the use of them, but because they have not the means of purchasing them. The proposed improvements would introduce both. As it is, our woollens, our manufactures in iron, copper, and steel, our clocks, watches, and toys of different kinds, our glass-ware, and various other articles are admired there, and would sell in great quantities if the people were rich enough to buy them. Let invention be once awakened among them, let them be roused to improvements at home, let them be led by industry to multiply, as they may exceedingly, the exchangeable productions of their country, let them acquire a relish for the ingenious exertions of the human mind in Europe, for the beauties and refinements, endlessly diversified, of European art and science, and we shall hence obtain for ourselves the supply of four and twenty millions of distant subjects. How greatly will our country be thus aided in rising still superior to all her difficulties; and how stable, as well as unrivalled, may we hope our commerce will be, when we thus rear it on right principles, and make it the means of their extension? It might be too sanguine to form into a wish, an idea most pleasing and desirable in itself, that our religion and our knowledge might be diffused over other dark portions of the globe, where nature has been more kind than human institutions.—This is the noblest species of conquest; and wherever, we may venture to say, our principles and language are introduced, our commerce will follow.

To rest in the present state of things, or to determine that the situation of our Asiatic subjects, and our connection with them, are such as they ought to be for all time to come, seems too daring a conclusion: and if a change, a great change be necessary, no reason can be assigned for its commencement at any future period, which will not equally, nay, more strongly recommend its commencement now. To say, that things may be left to their own course, or that our European settlements may prove a sufficient nursery of moral and religious instruction for the natives, will be, in effect, to declare, that there shall be no alteration, at least no effectual and safe one.

The Mahomedans, living for centuries intermixed in great numbers with the Hindoos, produced no radical change in their character; not merely because they rendered themselves disagreeable to their subjects, but because they left those subjects, during that whole period,

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period, as uninstructed in essential points as they found them. We are called rather to imitate the Roman conquerors, who civilized and improved the nations whom they subdued; and we are called to this, not only by the obvious wisdom which directed their policy, but by local circumstances, as well as by sounder principles and higher motives than they possessed.

The examples also of modern European nations pass in review before us. We are the fourth of those who have possessed an Indian empire. That of the Portuguese, though acquired by romantic bravery, was unsystematic and rapacious; the short one of the French was the meteor of a vain ambition; the Dutch acted upon the principles of a selfish commercial policy; and these, under which they apparently flourished for a time, have been the cause of their decline and fall. None of these nations sought to establish themselves in the affections of their acquired subjects, or to assimilate them to their manners; and those subjects, far from supporting them, rejoiced in their defeat; some attempts they made to instruct the natives, which had their use; but sordid views overwhelmed their effects. It remains for us to show how we shall be distinguished from these nations in the history of mankind; whether conquest shall have been in our hands the means, not merely of displaying a government unequalled in India for administrative justice, kindness, and moderation, not merely of encreasing the security of the subject and prosperity of the country, but of advancing social happiness, of meliorating the moral state of men, and of extending a superior light, further than the Roman eagle ever flew.

If the novelty, the impracticability, the danger of the proposed scheme, be urged against it, these objections cannot all be consistent; and the last, which is the only one that could have weight, presupposes success. In success would lie our safety, not our danger. Our danger must lie in pursuing, from ungenerous ends, a course contracted and illiberal; but in following an opposite course, in communicating light, knowledge, and improvement, we shall obey the dictates of duty, of philanthropy, and of policy; we shall take the most rational means to remove inherent, great disorders, to attach the Hindoo people to ourselves, to ensure the safety of our possessions, to enhance continually their value to us, to raise a fair and durable monument to the glory of this country, and to increase the happiness of the human race.

APPENDIX.

Extract from the Transactions of the Society for promoting Christian Knowledge, for the year 1795.

" ANOTHER letter has been received from Mr. Swartz, dated at Tanjore, February " 13th, 1794, which being of a particularly interesting nature, the Society judge fit " to produce at length. As moreover the Society, after forty years experience, have had " constant reason to approve of Mr. Swartz's integrity and veracity as a correspondent, his " zeal as a promoter of Christian knowledge, and his labours as a missionary, they take this " opportunity of acknowledging his faithful services, and recommending his letter to the " consideration of the Public, as containing a just statement of facts relating to the mission, " believing that Mr. Swartz is incapable of departing from the truth, in the minutest " particular."

To the Reverend Dr. GASKIN, *Secretary to the Society for promoting Christian Knowledge.*

Reverend and Dear Sir, Tanjore, February 13, 1794.

AS His Majesty's seventy-fourth regiment is partly stationed at Tanjore, and partly at Vallam, six English miles distant from Tanjore, we commonly go once in a week to Vallam, to perform divine service to four companies of that regiment.

When I lately went to that place, the 210th number of a newspaper, called the Courier, Friday evening, May 24th, 1793, was communicated to me.

In that paper I found a paragraph, delivered by Mr. Montgomerie Campbell (who came out to India with Sir Archibald Campbell, in the station of a private secretary) wherein my name was mentioned in the following manner:

" Mr. Montgomerie Campbell gave his decided vote against the clause, and reprobated " the idea of converting the Gentoos. It is true, missionaries have made proselytes of the " Parriars; but they were the lowest order of people, and had even degraded the religion " they professed to embrace.

" Mr. Swartz, whose character was held so deservedly high, could not have any reason to " boast of the purity of his followers: they were proverbial for their profligacy. An instance " occurred to his recollection, perfectly in point;—he had been preaching for many hours, " to this caste of proselytes, on the heinousness of theft, and in the heat of his discourse, " taken off his stock, when that and his gold buckle were stolen by one of his virtuous and " enlightened congregation. In such a description of natives, did the doctrine of the " missionaries operate. Men of high caste would spurn at the idea of changing the religion " of their ancestors."

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As this paragraph is found in a public paper, I thought it would not displease the Honourable Society to make a few observations on it; not to boast (which I detest) but to declare the plain truth, and to defend my brethren and myself.

About seventeen years ago, when I resided at *Tiruchinapally*, I visited the congregation at Tanjore. In my road, I arrived very early at a village which is inhabited by *Collaries*, a set of people who are infamous for stealing; even the name of a Collary (or better, *Kallen*) signifieth a thief.

These *Collaries* make nightly excursions, in order to rob. They drive away bullocks and sheep, and whatever they can find; for which outrage, they annually pay fifteen hundred chakr, or seven hundred and fifty pagodas, to the Rajah.

Of this caste of people, many live in the Tanjore country, still more in Tondiman's country, and likewise in the Nabob's country.

When I arrived at one of those villages, called *Pudaloor*, I took off my stock, putting it upon a sand-bank. Advancing a little to look out for the man who carried my linen clothes, I was regardless of the stock, at which time, some thievish boys took it away. Not one grown person was present. When the inhabitants heard of the theft, they desired me to confine all those boys, and to punish them as severely as I pleased.

But I refused to do that, not thinking that the trifle which I had lost was worth so much trouble.

That such boys, whose fathers are professed thieves, should commit a theft, can be no matter of wonder.

All the inhabitants of that village were Heathens; *not one Christian family* was found therein.

Many of our gentlemen, travelling through that village, have been robbed.

The trifle of a buckle I did therefore not lose *by a Christian*, as Mr. Montgomerie Campbell will have it, but by Heathen boys.

Neither did I preach at that time: Mr. Montgomerie Campbell says that I preached two hours: I did not so much as converse with any man.

This poor story, totally misrepresented, is alleged by Mr. Montgomerie Campbell to prove the profligacy of Christians, whom he called, with a sneer, virtuous and enlightened people.

If Mr. Montgomerie Campbell has no better proof, his conclusion is built upon a bad foundation, and I shall not admire his logic: truth is against him.

Neither is it true, that the best part of those people who have been instructed, are *Parriars*. Had Mr. Montgomerie Campbell visited, even once, our church, he would have observed that *more than two thirds were of the higher caste*; and so is it at Tranquebar and Vepery.

Our intention is not to boast; but this I may safely say, that many of those people who have been instructed, have left this world with comfort, and with a well-grounded hope of everlasting life.

That some of those who have been instructed and baptized, have abused the benefit of instruction, is certain. But all sincere servants of God, nay even the Apostles, have experienced this grief.

It is asserted, that a missionary is a disgrace to any country. Lord Macartney, and the late General Coote, would have entertained a very different opinion. They, and many other gentlemen, know and acknowledge, that the missionaries have been beneficial to government, and a comfort to the country.

This I am able to prove, in the strongest manner. Many gentlemen who live now in England, and in this country, would corroborate my assertion.

That the Reverend Mr. Gericke has been of eminent service to Cuddalore, every gentleman, who was at Cuddalore at the time when the war broke out, knows. He was the instrument, in the hands of Providence, by which Cuddalore was saved from plunder and blood-shed.

He saved many gentlemen from becoming prisoners to Hyder, which Lord Macartney kindly acknowledged.

When Negapatnam, that rich and populous city, fell into the deepest poverty, by the unavoidable consequences of war, Mr. Gericke behaved like a father to the distressed people of that city. He forgot that he had a family to provide for. Many impoverished families were supported by him; so that when I, a few months ago, preached and administered the sacrament in that place, I saw many who owed their, and their childrens' lives, to his disinterested care. Surely this, my friend, could not be called a disgrace to that place. When the Honourable Society ordered him to attend the congregation at Madras, all lamented his departure. And at Madras, he is esteemed by the governor, and many other gentlemen, to this day.

It is a most disagreeable task to speak of oneself. However, I hope that the Honourable Society will not look upon some observations which I am to make, as a vain and sinful boasting, but rather as a necessary self-defence. Neither of the missionaries, nor many of the Christians, have hurt the welfare of the country.

In the time of war, the fort of Tanjore was in a distressed condition. A powerful enemy was near; the people in the Fort, numerous; and not provision even for the garrison. There was grain enough in the country, but we had no bullocks to bring it into the Fort. When the country people formerly brought paddy (rice in the husk) into the Fort, the rapacious dubashes deprived them of their due pay. Hence all confidence was lost; so that the

inhabitants

inhabitants drove away their cattle, refusing to assist the Fort. The late Rajah ordered, nay intreated the people, by his managers, to come and help us; but all was in vain.

At last the Rajah said to one of our principal gentlemen: "We all, you and I, have lost our credit; let us try whether the inhabitants will trust Mr. Swartz." Accordingly he sent me a blank-paper, empowering me to make a proper agreement with the people. Here was no time for hesitation. The sepoys fell down as dead people, being emaciated with hunger; our streets were lined with dead corpses every morning; our condition was deplorable. I sent, therefore, letters, every where round about, promising to pay any one, with my own hands; and to pay them for any bullock which might be taken by the enemy. In one or two days, I got above a thousand bullocks, and sent one of our catechists, and other Christians, into the country. They went at the risk of their lives, made all possible haste, and brought into the Fort, in a very short time, eighty thousand kalams (of rice.) By this means, the Fort was saved. When all was over, I paid the people (even with some money which belonged to others) made them a small present, and sent them home.

The next year, when Colonel Braithwaite, with his whole detachment, was taken prisoner, Major Alcock commanded this Fort, and behaved very kindly to the poor starving people. We were then, the second time, in the same miserable condition. The enemy always invaded the country when the harvest was nigh at hand. I was again desired to try my former expedient, and succeeded. The people knew that they were not to be deprived of their pay, they therefore came with their cattle. But now the danger was greater, as the enemy was very near. The Christians conducted the inhabitants to proper places, surely with no small danger of losing their lives. Accordingly they wept, and went, and supplied the Fort with grain. When the inhabitants were paid, I strictly enquired whether any of the Christians had taken from them a present. They all said, No, no; as we were so regularly paid, we offered to your catechist a cloth of small value, but he absolutely refused it.

But Mr. Montgomerie Campbell says, that the Christians are profligate to a proverb.

If Mr. Montgomerie Campbell was near me, I would explain to him who are the profligate people who drain the country. When a dubash, in the space of ten or fifteen years, scrapes together two, three, or four lacks of pagodas, is not this extortion a high degree of profligacy?

Nay, government was obliged to send an order, that three of those Gentoo dubashes should quit the Tanjore country. The enormous crimes committed by them, filled the country with complaints; but I have no mind to enumerate them.

It is asserted, that the inhabitants of the country would suffer by missionaries.

If the missionaries are sincere Christians, it is impossible that the inhabitants should suffer any damage by them. If they are not what they profess to be, they ought to be dismissed.

When Sir Archibald Campbell was governor, and Mr. Montgomerie Campbell his private secretary, the inhabitants of the Tanjore country were so miserably oppressed by the manager and the Madras dubashes, that they quitted the country: of course, all cultivation ceased. In the month of June, the cultivation should commence; but nothing was done, even at the beginning of September. Every one dreaded the calamity of a famine. I entreated the Rajah to remove that shameful oppression, and to recall the inhabitants. He sent them word, that justice should be done to them; but they disbelieved his promises. He then desired *me* to write to them, and to assure them, that he, at my intercession, would show kindness to them. I did so. All immediately returned; and first of all, the Kallar (or as they are commonly called, Collaries) believed my word, so that seven thousand men came back on one day. The other inhabitants followed their example. When I exhorted them to exert themselves to the utmost, because the time for cultivation was almost lost, they replied in the following manner: "As you have showed kindness to us, you shall not have reason to repent of it; we intend to work night and day, to show our regard for you."

Sir Archibald Campbell was happy when he heard it; and we had the satisfaction of having a better crop than the preceding year.

As there was hardly any administration of justice, I begged and entreated the Rajah to establish justice in his country. "Well," said he, "let me know wherein my people are oppressed." I did so. He immediately consented to my proposal, and told his manager, that he should feel his indignation, if the oppression did not cease immediately. But as he soon died, he did not see the execution.

When the present Rajah began his reign, I put Sir Archibald Campbell in mind of that necessary point. He desired me to make a plan for a court of justice, which I did; but it was soon neglected by the servants of the Rajah, who commonly sold justice to the best bidder.

When the Honourable Company took possession of the country, during the war, the plan for introducing justice was re-assumed; by which many people were made happy. But when the country was restored to the Rajah, the former irregularities took place.

During the assumption, government desired *me* to assist the gentlemen collectors. The district towards the west of Tanjore had been very much neglected, so that the water-courses had not been cleansed for the last fifteen years. I proposed that the collector should advance five hundred pagodas to cleanse those water-courses. The gentlemen consented if I would inspect the business. The work was begun and finished, being inspected by Christians. All that part of the country rejoiced in getting one hundred thousand kalams

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(of rice) more than before. The inhabitants confessed, that instead of one kalam, they now reaped four.

No inhabitant has suffered by Christians; none has complained of it. On the contrary, one of the richest inhabitants said to me; "Sir, if you send a person to us, send us one who has learned all your ten commandments;" for he, and many hundred inhabitants, had been present when I explained the Christian doctrine to Heathens and Christians.

The inhabitants dread the conduct of a Madras dubash. These people lend money to the Rajah, at an exorbitant interest, and then are permitted to collect their money and interest, in an appointed district. It is needless to mention the consequences.

When the Collaries committed great outrages in their plundering expeditions, sepoys were sent out to adjust matters; but it had no effect. Government desired *me* to inquire into that thievish business. I therefore sent letters to the head Collaries; they appeared; we found out, in some degree, how much the Tanjore, and Tondaman's, and the Nabob's Collaries had stolen; and we insisted upon restoration, which was done accordingly. At last, all gave it in writing, that they would steal no more. This promise they kept very well for eight months, and then they began their old work; however, not as before. Had that inspection over their conduct been continued, they might have been made useful people. I insisted upon (their) cultivating their fields, which they really did. But if the demands become exorbitant, they have no resource they think, but that of plundering.

At last some of those thievish Collaries desired to be instructed. I said, "I am obliged to instruct you; but I am afraid that you will become very bad Christians." Their promises were fair. I instructed them; and when they had a tolerable knowledge, I baptized them. Having baptized them, I exhorted them to steal no more, but to work industriously. After that, I visited them; and having examined their knowledge, I desired to see their work. I observed, with pleasure, that their fields were excellently cultivated. "Now," said I, "one thing remains to be done. You must pay your tribute readily, and not wait till it is exacted by military force," which otherwise is their custom. Soon after that, I found that they had paid off their tribute exactly.

The only complaint against those Christian Collaries was, that they refused to go upon plundering expeditions, as they had done before.

Now I am well aware, that some will accuse me of having boasted. I confess the charge willingly, but lay all the blame upon those who have constrained me to commit that folly.

I might have enlarged my account; but fearing that some characters would have suffered by it, I stop here.

One thing, however, I affirm, before God and man, that if Christianity, in its plain and undisguised form, was properly promoted, the country would not suffer, but be benefited by it.

If Christians were employed in some important offices, they should, if they misbehaved, be doubly punished; but to reject them entirely, is not right, and discourageth.

The glorious God, and our blessed Redeemer, has commanded his Apostles to preach the Gospel to all nations.

The knowledge of God, and his divine perfections, and of his mercy to mankind, may be abused; but there is no other method of reclaiming mankind, than by instructing them well. To hope that the Heathens will live a good life, without the knowledge of God, is a chimera.

The praise bestowed on the Heathens of this country, by many of our historians, is refuted by a close (I might almost say, superficial) inspection of their lives. Many historical works are more like a romance than history. Many gentlemen here are astonished, how some historians have prostituted their talents by writing fables.

I am now at the brink of eternity; but to this moment I declare, that I do not repent of having spent forty-three years in the service of my Divine Master. Who knows but God may remove some of the great obstacles to the propagation of the Gospel? Should a reformation take place amongst the Europeans, it would no doubt be the greatest blessing to the country.

These observations I beg leave to lay before the Honourable Society, with my humble thanks for all their benefits bestowed on this work, and sincere wishes that their pious and generous endeavours to disseminate the knowledge of God and Jesus Christ, may be beneficial to many thousands.

I am sincerely,

Reverend and Dear Sir,

Your affectionate Brother, and humble Servant,

C. F. Swartz.

—Appendix, No. 2.—

No. 2.

Letter from the Marquis of Hastings. 6 May 1823.

THE MARQUIS OF HASTINGS' SUMMARY of the OPERATIONS IN INDIA, with their Results; from the 30th April 1814 to the 31st January 1823.

To the Honourable the Court of Directors, &c. &c. &c.

Honourable Sirs:

NOTWITHSTANDING you having received information, in regular course, respecting all the transactions which took place during my administration in India, the particulars would unavoidably reach you in so desultory a manner, as that the exigencies or views by which I was guided, in many cases, must be indistinct. The impression has thence been strong on my mind, that it was incumbent on me, in due attention to you, to furnish such a statement as would enable you to form a clear judgment of my procedures, connected with the impulses which influenced them. I beg leave to submit to you an exposition of that nature; and I have the honour to remain, with the greatest respect,

Honourable Sirs, your most obedient and obliged servant,

Gibraltar, 6th May 1823. (signed) *Hastings.*

Operations in India, with their Results, from the 30th April 1814 *to the 1st January* 1823.

Lord Hastings' Summary.

THE solicitude which any one of just feelings must experience, to prove his having adequately fulfilled an important trust, ought, in my case, to be increased by the peculiar nature of the office which I have held. The extent and multiplicity of its functions are little comprehended at home; and still less are those circumstances understood, which called upon me for exertions beyond the ordinary demands of my situation. If those unusual efforts were not necessary, they either risked improvidently the welfare of the Honourable Company, or they were illicit aggressions on weak unoffending Native Powers. It thence behoves me to justify the principle and the prosecution of the measures alluded to. The exposition will be short, because it aims not at submitting any detail of operations. A statement of the ground on which each material determination rested, will enable every one to decide on the equity, as well as prudence, of the course adopted; while the general result may answer, whether the main object of the Honourable Company's financial prosperity was duly kept in sight during these complicated transactions. The facts asserted are so supported, as not to admit of controversy. Proofs of them are, for the most part, in the hands of the Honourable Court. Where that is not the case, the official vouchers will be found in the Appendix; and, it is hoped, it will appear that, whatsoever were the advantages attained for the Honourable Company, the interests of our country at large have been similarly promoted, the comforts of the Indian population being at the same time signally consulted.

I entered upon the management of affairs at Calcutta in October 1813. My first view of them was by no means pleasing. The treasuries of the three Presidencies were in so unfurnished a condition, that the insufficiency of funds in them to meet any unusual charges (and many such menaced us) excited considerable uneasiness. At that period, the low credit of the bonds which had at different times been issued as the securities for monies borrowed, made eventual recourse to a loan seriously discouraging in contemplation. As twelve per cent. discount on the above securities was the regularly computable rate in the market, when no immediate exigency pressed upon us, the grievous terms to which we must have subscribed for a new supply of that nature in an hour of alarm, could not be disguised to any foresight. Under this embarrassment, an attempt had been made by the preceding Government to provide, in a partial degree, for the anticipated difficulties, by curtailing the annual disbursement, so as to leave a surplus of receipt. What are called the Charges Military, the provision for all warlike objects, offensive or defensive, had appeared the only head of expenditure in which a saving of efficacious magnitude could be made. The paring-knife was thence applied with rather an undiscriminating hand to many articles of the military establishment, which had till that time been deemed indispensable towards a tranquil tenure of the country. As it was matter of simple arithmetical measurement, the contemplated surplus was produced; but it was attended with circumstances which had not been taken into the reckoning. Let it not be supposed that I am insinuating a censure on an expedient to which Government was pressingly urged by financial difficulties. The limit within which a reduction of disbursement in the military branch would not entail mischief, was perhaps not to be computed without trial. As it was, experience showed that hazard had been incurred in a degree quite unapprehended. The saving had principally arisen from a great diminution of our armed force. The operation of such a measure was not confined to the question of sufficiency for eventual defence. Nothing would mislead the judgment more than a parallel supposed between the employment of the Indian army and that of our military at home. The native troops are, in fact, the police of India, the Burkundauzes, or armed attendants of the Magistrates, being totally inadequate, if not supported by the regulars. Hence, the complication of duties resting upon the soldiery is so great, as that it is rare for even half of a battalion to be found at its head-quarters. Occupation of dependent stations, detachments with treasure which is in constant transit, escort of stores periodically despatched from Calcutta to the several provinces, charge of convicts working on the roads, custody of prisoners transmitted from different parts for trial before the Courts of Circuit, and guards over jails, form a mass of demand which our fullest military complement can barely answer. A great number of those among whom such duties had been divided could not be

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dismissed, without causing the service to be oppressive to the remainder. But there was a further consequence which rendered the burthen intolerable to the native soldier. This incompetence of strength involved nearly an extinction of those leaves which it had been the custom to grant annually, for a proportion of the men in each regiment to visit their villages. The privation of hope to see his connections occasionally was insuperably irksome to the Bengal Sepoy, usually of high caste: In consequence, very many in each corps solicited discharge from the service. Unless when in the field, this indulgence had been uniformly conceded on application, as the individual received no bounty on entrance. Of course, there was an awkwardness in refusing what had, from practice, assumed a colour of right, when contest was only secretly anticipated by Government, from particulars which it wished not to divulge. So many of those who thus petitioned to quit the service were veterans approaching the period of claim to the invalid pension (the great object of the native soldier), that the sacrifice which those men desired to make, exhibited unequivocally the deep discontent of the army. I therefore found Government convinced, that perseverance in the experiment was too dangerous; and the re-adoption of those military provisions which had been stricken off would have taken place, even had not another consideration pressed its being done with the utmost speed. The disgust of our native troops was so loudly expressed in all quarters, that the causes of it were universally canvassed; and as such an extraordinary lessening of our military means was ascribed to uncontroulable necessity, the same inferences of our debility were drawn by all the surrounding States. As might have been expected, a tone and procedure altogether novel had been assumed towards the British Government. There were made over to me, when the reins were placed in my hands, no less than six hostile discussions with Native Powers, each capable of entailing resort to arms. It was thence obvious, that a beneficial alteration in our pecuniary condition was not to be effected by parting with the sinews of our strength, but by striving to cultivate and render more productive those sources of revenue which we possessed. In the above-mentioned number of angry controversies, no advertence is made to the Pindarries. Communication could not be held with those execrable spoilers; yet the atrocity of their character, though it forbad the degradation of negociating with them, could not disparage their inherent force, so as to prevent my regarding them, even at that juncture, as the most serious of the difficulties with which I had to deal. Could the moral call for suppressing one of the most dreadful scourges that ever afflicted humanity, be put aside, still the task of dispersing an association, whose existence was irreconcileable to our ultimate security, as well as to our more immediate interests, seemed to me not capable of being long postponed. At the same time, I saw the intimacy of connexion between the Pindarries and the Mahrattas so distinctly, as to be certain that an attempt to destroy the former must infallibly engage us in war with the whole body of the latter. While the extreme effort was delayed, which our entanglements in other quarters made unavoidable, it was desirable to impose some check on the plunderers. The year before my arrival they had ravaged part of our territories, they had carried off an immense booty with impunity, and they were professedly meditating another invasion, every military man well comprehending that defensive frontier stations, though heavily expensive to the State, were absolutely nugatory against a mounted enemy without baggage, following at will through a vast expanse of country any line which the information of the moment might recommend. There was a chance that intimations from Gwalior might cause the Pindarries to suspend their inroad. It was inappreciable to us to stop, if possible, the projected devastation, while we were to be occupied elsewhere: on which account, I proposed a remonstrance to that Court, on the score of the Pindarries being permitted to arrange within the Maharajah's dominions the preparations for assailing the Honourable Company's provinces. The present unreserved acknowledgment of our supremacy throughout India, will scarcely leave credible the then existence of a relative position, which could occasion my being met in Council by a representation, that a remonstrance of the above nature might be offensive to Scindia, and that nothing ought to be ventured which could give him umbrage. Such, however, was at that period, on either side, the estimate of British power.

This introduction, though longer than I could have wished, was necessary to render our circumstances at that crisis accurately intelligible. There was especially a necessity to explain, why, when a surplus revenue had been actually exhibited, it had no permanence. The delusiveness of the principle on which such a surplus had for the moment been obtained, has been disclosed, and it will be understood, that we were to seek other supplies, should contests not be avoided. A large sum is always required to be kept in hand by Government for current purposes, because the revenue from land, the chief article in our income, is not receivable at periods corresponding with the regular disbursements, and is moreover liable to defalcation, from the remission allowed in case of bad seasons: therefore a sum deemed simply adequate to this object cannot be relied upon, as a provision for a further contingency. Of the six disputes which I have noticed, four were amicably adjusted. One, in the instance of Rewah, was speedily settled by the storm of a principal fortress, with the menace of a siege to its capital; and the sixth, the contention with Nepaul, remained for decision by arms. A struggle with the latter was unpromising. We were strangely ignorant of the country or its resources; and overlooking the augmented abilities latterly furnished by science to a regular army for surmounting local obstacles, it was a received persuasion, that the nature of the mountainous tract which we should have to penetrate, would be as baffling to any exertions of ours, as it had been to all the efforts of many successive Mahomedan sovereigns. No option, however, remained with us. We were not, through a point of honour, demanding atonement for the wanton invasion of our territories, the brutal massacre of our policemen, and the studied cruelty of tying to a tree, and shooting to death with arrows, the native officer whom we had appointed to preside over the district, though the hopelessness of obtaining from the Government any disavowal of such a complicated outrage must have made

us

us look to war even on that ground; but we were at issue with a nation so extravagantly presumptuous respecting its own strength, and so ignorant of our superior means, that the Goorka Commissioners had, upon a former occasion, remarked to ours the futility of debating about a few square miles of territory, since there never could be real peace between the two States, until we should yield to the Goorkas our provinces north of the Ganges, making that river the boundary between us, as heaven had evidently designed it to be. The conviction, that the evil day of contest could not be put off, weighed heavily on the minds of functionaries in Calcutta. The possible necessity of withholding an investment was anticipated, and even hinted to the Court of Directors. I endeavoured to allay this anxiety, by assurances that, as far as my professional judgment went, the difficulties of mountain warfare were greater on the defensive side than on that of a well-conducted offensive operation; that I believed myself able to calculate tolerably what expenditure would be entailed by the necessary efforts, estimating the charge much below what they apprehended; and that I could look with confidence to a supply of treasure from a source which they had never contemplated. Soon after my arrival, some British officers came to me from the Nawab Vizier Saadut Ali, sovereign of Oude, bringing to me a representation of the painful and degrading thraldom in which, through gradual and probably unintended encroachments on his freedom, he was held, inconsistently with the spirit of the treaties between the two States. The system from which he prayed to be relieved appeared to me no less repugnant to policy than to equity. On my professing a disposition to correct so objectionable a course, those officers who had been long in the Nawab Vizier's service assured me, that any persuasion of my having such an inclination would cause Saadut Ali to throw himself upon me with unbounded confidence, and to offer from his immense hoard the advance of any sum I could want for the enterprise against Nepaul. The gratitude with which such a supply would be felt was professed. While I was on my passage up the river, Saadut Ali unexpectedly died. I found, however, that what had been provisionally agitated with him was perfectly understood by his successor, so that the latter came forward with a spontaneous offer of a crore of rupees, which I declined as a peishcush or tribute on his accession to the sovereignty of Oude, but accepted as a loan for the Honourable Company. Eight lacs were afterwards added to this sum, in order that the interest of the whole, at six per cent., might equal the allowances to different branches of the Nawab Vizier's family, for which the guarantee of the British Government had been pledged, and the payment of which, without vexatious retardments, was secured, by the appropriation of the interest to the specific purpose. The sum thus obtained was thrown into the general treasury, whence I looked to draw such portions of it as the demands of the approaching service might require. My surprise is not to be expressed, when I was shortly after informed from Calcutta, that it had been deemed expedient to employ fifty-four lacs of the sum obtained by me in discharging an eight per cent. loan, that the remainder was indispensable for current purposes, and that it was hoped I should be able to procure from the Nawab Vizier a further aid for the objects of the war. This took place early in autumn, and operations against Nepaul could not commence till the middle of November, on which account the Council did not apprehend my being subjected to any sudden inconvenience through its disposal of the first sum. Luckily I was upon such frank terms with the Nawab Vizier, as that I could explain to him fairly my circumstances. He agreed to furnish another crore; so that the Honourable Company was accommodated with above two millions and a half sterling on my simple receipt. Particular details of the war in Nepaul would be superfluous: the terms on which it closed will suffice. That State, instead of flanking, as it had done, for nearly six hundred miles, our open frontier or that of the Nawab Vizier, which we were bound by treaty to defend while itself could only be attacked in front, was reduced to about a half of its original extent, remaining with both its flanks exposed to us, through the connexion which we formed with the Siccim Rajah to the east and our possession of Kamaon to the west. The richest portion of the territory conquered by us bordered on the dominions of the Nawab Vizier. I arranged the transfer of that tract to him, in extinction of the second crore which I had borrowed. Of that crore, the charges of the war absorbed fifty-two lacs: forty-eight lacs (600,000 *l.*) were consequently left in the treasury, a clear gain to the Honourable Company, in addition to the benefit of precluding future annoyance from an insolent neighbour.

While the war was waging in the mountains, my attention was anxiously fixed on our southern boundaries. I had traced many indications of active communication between States which had for many years had no political intercourse. As I could not then know what has since been unveiled, that a wide confederacy was forming for the expulsion of the British from India, I ascribed the symptoms to vague speculations excited in the Native Powers, by seeing us engaged in an undertaking where they considered our failure certain. The anticipated exhaustion of our strength in the rash enterprise, would present advantages for the improvement of which they might think it desirable to be prepared, and their several views were to be reciprocally ascertained for the eventual crisis. This spirit, though it did not lead them to immediate action, would naturally prompt them to steps which could not be regarded by us with indifference. In one instance, the forecasting disposition of our neighbours showed an intelligible consistence. An agreement was made between Scindia and the Rajah of Nagpore, that the forces of both should act under Scindia for the reduction of Bhopaul. The very terms of the agreement betrayed the real object; for Bhopaul, when conquered, was to be made over to the Nagpore Rajah. It was obvious that Scindia only wanted an excuse for bringing the Nagpore troops into junction with those already under his command, in which case he would have found himself at the head of a very powerful army. It was not a moment for hesitation. Had Scindia's forces, which were assembled and ready to march, once entered Bhopaul, shame would have made him risk any extremity, rather than recede upon our intervention. The Nawab of Bhopaul had solicited to be taken under British protection. I was at that time on

Scindia's frontier, my escort being composed of one weak battalion of native infantry, a troop of the body guard, and a squadron of native cavalry. In three weeks I could not have assembled five thousand men, all our disposable strength being employed against Nepaul: but the case called for decision, and I directed the Resident at Scindia's Court to request that his Highness would forbear any aggression upon Bhopaul, as that State had become an ally to our Government. I desired that this communication should be made in the most conciliatory tone, and that the Resident would not report to me the violent language with which it would probably be met by Scindia, so as that there might be no affront to discuss. There was seemingly hardihood in this procedure, but there was essentially none; supposing Scindia predetermined to go all lengths, any provocation from my message was of no moment. If he were only trying his ground, and taking steps towards rendering a remoter decision more secure, the unexpected check might make him pause, and the gain of time was every thing to me, when I was disciplining recruits in all quarters for the augmentation of our force. Scindia, as was unofficially imparted to me, received the intimation with all the vehemence of language which I had expected: but, notwithstanding his declaration that he should follow his own course, his troops did not move, and the project against Bhopaul was silently abandoned. The Maharajah must have been influenced by the supposition, that the confidence of my procedure, and the apparent carelessness of my progress along the frontier with so slender an accompaniment, arose from my possession of means which he could not calculate. The Resident, in a later day, made a merit with Scindia of having suppressed in his report to me the offensive tone which had been used, and his Highness acknowledged the obligation. The circumstances which I have detailed, will give an useful insight into the doubtful terms on which we then stood with the neighbouring States. Whether positive engagements had secretly taken place among them was uncertain. It was, at all events, clear that they looked to a possible juncture, when they might pursue a common object necessarily unfavourable for us. When Ummer Sing Thappa and Runjore Sing, generals of the Goorkas, surrendered themselves, they could not be brought to believe that the Mahrattas were not actually in the field against us, though neither of them would assign a reason for the supposition. As they had severally professed the persuasion when they could not have had communication, it was evident that each of them must have had knowledge of proposals for co-operation made by the Mahrattas to his Court.

Early in 1817 an event occurred, seemingly unconnected with the suspicious indications which were fixing our attention in other parts, but really deriving great moment from reference to those symptoms. Scindia had, in 1803, given up to us, by treaty, extensive possessions in the Doab, or tract contained between the Ganges and the Jumna. Those lands were inhabited by Jauts, a hardy and warlike tribe. This ceded territory was divided into several petty districts, each under a Talookdar, corresponding to the Zemindar of the Lower Provinces. From the exposure of the country to frequent invasion from predatory cavalry, the distant sovereign who had not management enough in his dominions to shield his detached provinces from such inroads, was forced to consult his own interest as to pecuniary returns, by allowing those Talookdars to have fortified residences, where the revenue was lodged, as collected, for ultimate remittance to the treasury at Gwalior. The permission for maintaining a fortress necessarily included a garrison, which from vanity, or views of depredation, was in every instance carried far beyond what the duties of the place required. It is probable, that those Talookdars had been looking forward to a time when they might cast off their allegiance to the Mahratta rule, and render themselves independent chiefs of little principalities. Their assiduity in strengthening their fortresses may be ascribed to the anticipation of such a favourable hour. They were encouraged in this speculation, by the circumstance that the Rajah of Bhurtpore, whose power was rated high from his successful resistance to the British, had affinity with their principal families. He and his people are Jauts. In practice, the situation of the Talookdar under the Mahrattas united the characters of the middle-man and the manager of an absentee's estate in Ireland, with whatsoever degree of authority over the peasantry he thought proper to usurp, knowing that his government would never be at the trouble of calling him to account. The most populous and productive of the districts were under the superintendence of Dyaram, an active ambitious man, whose preponderance in the tribe was supported by amassed riches as well as personal energy. Calculating on a future opportunity for establishing sway over the rest, he employed himself sedulously in perfecting his fortress at Hattrass, which he had originally found of great strength, and in keeping up the discipline of a well-organized force. When his territory was surrendered to the British Government, though our judicial administration was declaredly introduced into it, considerations deemed politic led us to withhold a strict enforcement of our regulations. For obvious reasons, we had never suffered a strong hold to be possessed by an individual in our provinces. On this occasion we deviated from our caution, and did not insist on the immediate demolition of the fortresses in the territory transferred to us. I have understood it was conceived, that when the Talookdars should find themselves efficiently protected from external violence, they would gladly forego the expense of providing for their own security, and would, without repugnance, dismantle their forts, which they were told must ultimately be required of them. Perhaps there was an error in supposing that, after having been continued for a time in the enjoyment of what flattered their pride, they would feel less the sacrifice of the distinction. As it was, they evidently made common cause in a plan for evading that humiliation: they encouraged each other in the resolution, by promises of reciprocal aid; and from the confidence thus inspired, they gradually assumed an undisguised air of pretension to be on the footing of mere tributary dependence. This disposition became more marked and overt at the period to which I have before alluded, when the debilitation of our Government had become matter of general belief, and manifold trespasses on our authority were impudently

dently committed by those Talookdars. Our occupation with Nepaul constrained us to shut our eyes, as much as might be, on those encroachments, an impunity which naturally invited still more determined steps. As soon as our hands were free, it became necessary to notice those irregularities, therefore it was signified to the Talookdars, that any repetition of them would meet decisive chastisement. The intimation was wholly disregarded. At length the Members of Council unanimously represented to me (I having then returned to Calcutta from the Upper Provinces) a daring defiance of our legitimate jurisdiction by Dyaram, who had seized and kept in irons within his fortress several of our police officers, for arresting a robber within his district; and who had, moreover, caused a party of his troops to confine for twenty-four hours in a village the judge and magistrate of the zillah containing those Talooks. This was communicated to me with anxiety, because the supposed strength of Hattrass made it appear awkward to undertake the correction of Dyaram. Punishment of the substantive offence was of itself imperiously demanded: but the urgent expedience of bringing the whole body of those Jauts definitively into regular submission as subjects was as strikingly visible. As I had not, however, before learned the particulars to which the Members of Council referred, I answered, that if they would lay before me such a case, sustained by due evidence, as should prove Dyaram to have justly incurred the penalty, Hattrass should be reduced; an operation which I pledged myself to them would not require for its completion eight-and-forty hours after the batteries had opened against the place. When I was in the Upper Country, it had of course been my duty to obtain minute information respecting every fortress with which any claim might bring us into contact, and I had procured the requisite knowledge of Hattrass among the rest. That fort had the reputation of being impregnable; which silly persuasion had betrayed Dyaram into his contumacious outrages. According to the mode of attack which the natives had been accustomed to see practised by us, Hattrass might, indeed, appear formidable to meddle with. A ditch one hundred and twenty feet wide and eighty-five deep, surrounded a work, in which triple tier of defences exhibited a provision for contesting the place inch by inch, after the silencing its artillery, and the making a practicable breach, should bring the besieger to the point of storming. Luckily, science has laid down procedures, where the means can be commanded, for avoiding the necessity of hazarding a disadvantageous assault. One of my earliest military cares on arriving in India had been, to satisfy myself why we had made so comparatively unfavourable a display in sieges. The details at once unfolded the cause. It is well known that nothing can be more insignificant than shells thrown with long intervals, and we never brought forward more than four or five mortars when we undertook the capture of a fortified place. Hence the bombardment was futile; so that, at last, the issue was to be staked on mounting a breach, and fighting hand to hand with a soldiery skilful, as well as obstinately gallant, in defending the prepared intrenchments. This was not the oversight of the Bengal artillery officers, for no men can be better instructed in the theory, or more capable in the practice of their profession than they are: it was imputable to a false economy on the part of Government. The outlay in providing for the transportation of mortars, shells, and platforms, in due quantity, would certainly have been considerable, and it was on that account forborne. The miserable carriages of the country, hired for the purpose when a military exertion was contemplated, were utterly unequal to the service, and constantly failed, under the unusual weight, in the deep roads through which they had to pass; therefore we never sat down before a place of real strength furnished with the means which a proper calculation would have allotted for its reduction. Sensible of this injurious deficiency, I had, with the utmost dilligence, instituted a transport train; and it was in reliance on its efficiency, that I assured the Council of the short resistance which Hattrass should offer. Expedition, no less than secrecy, was important, to prevent any interventions which might trouble us in the undertaking: and notwithstanding the advance of the troops was so rapid, that Dyaram had information of their approach only two days before Hattras was actually invested, forty-two mortars kept pace with the march of the force. From the incessant shower of bombs, the garrison was unable to persist in defending the place more than fifteen hours. The body of troops employed was of such strength, that no sudden assemblage could venture to free it, while the speedy effectuation of the object left no time for interference from remoter quarters. Thus uninterrupted, the officer commanding it, according to his orders, summoned successively the other fortresses of the Jauts. Terrified by the fate of Hattrass, all of them, to the number of eleven, some very strong, surrendered without resistance. The works were every where raised, and the troops attached to them were disbanded, except a few armed attendants allowed for security to the household of each of the Talookdars, in a country not yet brought into habitual regularity. The Talookdars were indemnified for the cannon and arms of which they were dispossessed, being further maintained in as much eminence as was consistent with the laws of the British Government. Those terms, with an oblivion of his past misdeeds, had been offered to Dyaram on the first appearance of the troops before Hattrass, and had been rejected by him, therefore his lands were declared forfeited. Thus was effected at a critical juncture, an object pressingly incumbent in itself: I mean, the assimilation of those Jaut communities to the orderly condition of our other native subjects, but of enhanced importance relatively to their otherwise possible insurrection in the centre of our possessions, when our force was engaged elsewhere, whether that insurrection should arise from secret preconcert with powers leagued against us, or be stimulated by accidental temptations. The politics of the Rajah of Bhurtpore would be seriously influenced by deprivation of an eventual support from his tribe; and every prince in India must have felt a diminution of the confidence with which he would have opposed us, when the fall of Hattrass dissipated his trust in fortifications. It is not altogether irrelevant, to add, that an annual saving, by no means insignificant, has arisen from the transport trains

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being employed, during peace, in collateral services under the Commissariat department, of which I constituted it a branch.

While the ferment perceivable in the Mahratta States could be ascribed to the tempting prospect of a particular opportunity, there was the hope that when all chance of such an opening was dissipated, the machinations would subside. Many symptoms concurring to prove that this was not the case, the conclusion was irresistible, that a more defined and methodized understanding, of a tenour hostile to us, had been established, at least among the powers upholding the predatory system in Central India. Their success in seducing other Native States into pledges for acting in concert could not be judged of, as I have mentioned that our discoveries had then gone no further than the ascertaining that there were frequent missions conducted with great stealth between powers not in prior habits of communication. The symptoms might be fallible; yet common caution required that the no longer postponable enterprise of extirpating the Pindarries, who had again mercilessly laid waste our territories, should embrace a provision for encountering the widest combination among the Native States. Supposing their confederacy to be actually established, and that I failed in the project I had formed for rendering the collection of their forces impracticable, I was to look to coping with little less than three hundred thousand men in the field. It was a formidable struggle to incur; such, indeed, as it would have been irreconcileable to my duty towards my employers to have risked, had the hazard been avoidable. I think, however, no one who considers the circumstances will regard it as having been adventured wilfully or inexpediently. I refer not to the fortunate issue, which is always a doubtful criterion of policy. I desire my position to be fairly examined. If it be evident that the contest, whether it should originate in a conspiracy of the native sovereigns, or in the support given by the Mahratta States and Ameer Khan to the Pindarries, was not ultimately to be evaded, the question was, only when, and how it might be entered upon with the best chances for success; and I believe that I decided as was imperiously demanded by the interests with which I stood entrusted. I calculated, that by celerity of movement on our part, the ill-disposed might be incapacitated from attempting the opposition which they meditated; and any appearance of our proceeding upon unconfirmed suspicions would be far counterbalanced by their escape from being involved in the destruction of the Pindarries, still more as the measures held in view promised them their share in the anticipated improvement of condition throughout Central India. Before, however, our troops were put in motion, our information respecting the concerted attack upon the British possessions became distinct and incontrovertible. From Cawnpore, whether I had proceeded, I notified to the Council at Calcutta my purpose of framing the campaign consonantly to the above computation. What I contemplated was, the pushing forward unexpectedly several divisions which should occupy positions opposing insuperable obstacles to a junction of the army of any State with that of another, even subjecting to extreme peril any sovereign's attempt to assemble the dispersed corps of his forces within his own dominions, should we see cause to forbid it. The success of the plan depended on the secrecy with which the preparations could be made, the proper choice of the points to be seized, and the speed with which we could reach the designated stations. I speak relatively to the troops which were to penetrate from the north; for the advance of those from the south, destined to act against the Pindarries, could not be concealed. The formation of my magazines of grain on the frontier was fortunately disguised by a bad harvest in that quarter, which furnished the excuse for transportation of corn thither, as if it were a provision for the inhabitants against eventual dearth. In all other respects, the arrangements were so admirably conducted by the few public functionaries confidentially entrusted with them, that not a suspicion of any intended stir was afloat. In the most distant battalion destined for the service there was not a surmise of impending movement above five or six days previous to its being actually in march. The suddenness with which we occupied the heart of the inimical countries, added to the efficiency of the means employed, caused all the essential parts of the business to be finished completely to my wish, in hardly more than three months; so as that I was enabled, almost immediately after that period, to send back to their cantonment the part of the force the most chargeable in the field, the European troops. The vast scale of the operations could not but be attended with great expense. It was from their short duration, that when the war charges came to be wound up, the amount for the six divisions of the Bengal troops brought forth on the occasion did not reach thirty-five lacs of Sonaut Rupees, or about thirty-three and a half of Sicca. When the charge for the troops periodically and unavailingly moved forward from the Madras Presidency to cover the country south of the Nerbudda from the Pindarries is considered, and the heavy loss of revenue from the devastations committed by those wretches is taken into account, it may be thought a thrifty expenditure, which at such a rate, once for all put an end to that annual tax upon our finances. In that expenditure is included, not only every kind of disbursement usually connected with troops, beyond what would have been required for them had they remained in quarters, but one arising out of the special circumstances: while every exaction for provisions or forage was strictly forborne in the neutral or feudatory countries through which we passed, compensation was made for the damage done by the encampment of the troops, even for a night, where the ground was under crop, as was almost invariably the case. The injury was estimated between the chief commissariat officer and the principal men of the villages concerned, and the retribution agreed upon by them was made upon the spot in ready money. This measuse, besides its essential justice, had the object of manifesting to the natives the equity of the British Government, and of inducing such petty independent communities as had not already relations with us, to obtain our protection, by voluntarily soliciting to be taken under our paramountship. The expectation did not deceive us: all those little territories which had till then remained unattached ranged themselves under our banners. Among other chiefs,

the Rajah of Tehree, when he presented his nuzzur in token of plighted fealty, desired me to understand it was the first time that State had acknowledged the supremacy of another, all the efforts of the Mogul emperors to subdue it having proved abortive. We were not at the time in the Tehree territories, nor were we likely to enter them, therefore the conduct of the Rajah could only spring from an impression which must be flattering for our country.

The economy of making our exertion so powerful will be still better comprehended from a further particular. Trimbuckjee Dainglia, the favourite and the confidential instrument of the Peishwah, was the immediate agent in the murder of the Guickwar's minister, Gungadhur Shastry. The person in question had been earnestly invited to Poona by the Peishwah, for the ostensible purpose of settling accounts which were afloat between the two States, but with the real object of having an opportunity for gaining the minister to seduce his sovereign into the confederacy against us. The Guickwar, from some doubt of the Peishwah, would not suffer his minister to repair to Poona, unless the British Government would be answerable for his safety, and we pledged ourselves to that prince accordingly, not merely in compliance with the solicitation of the Peishwah, but because we were anxious that counter-claims between the two States which had given us much trouble, should be finally adjusted. That a Brahmin of the highest caste, first minister of an independent sovereign, and invested with a public commission by his prince, should stand in any risk, appeared incredible, therefore our guarantee was unhesitatingly given. When the Peishwah found that the minister was proof against all temptation, and refused absolutely to betray his master into a scheme which the minister thought would entail his destruction, his Highness determined to make away with such an obstacle to his views, in the hope that the office of minister might be filled by a more manageable individual. Gungadhur Shastry was barbarously assassinated on his way back from a devotional ceremony by night in the temple, whither he had gone upon repeated entreaties from Trimbuckjee Dainglia, after having previously excused himself on the score of indisposition. The Peishwah was apprised that his participation in the crime was minutely known to us, but that, to save his credit, the guilt should be thrown on the special perpetrator, Trimbuckjee Dainglia, who must be delivered up to us, in atonement for the outrage offered to our plighted security. Trimbuckjee was put into our hands accordingly. To conciliate the Peishwah, it was promised to his Highness that his favourite should not be proceeded against capitally, but be merely kept in confinement as a state prisoner. Trimbuckjee having made his escape from a fortress where he was negligently guarded, was afterwards speedily, subsequent to the Peishwah's surrender, taken in the field. Regarding the game as irretrievably lost, he thought concealment useless, and indulged that boast of a nearly-accomplished design, with which persons often console themselves under failure. He unfolded, that from early in 1814, the Peishwah had been busied in organizing a general confederacy of the Native Powers, for the purpose of driving the British out of India, and he averred, that we were only by three or four months too quick upon them, or we should have found them the assailants, in which case the issue might have been very different. Certainly, had Scindia, by much the most powerful of the Native Sovereigns, been in the field at the head of his assembled veteran troops, with the fine and well-manned artillery which he possessed, time, as well as encouragement would have been afforded to the other confederated powers for resorting to arms, in so many quarters as must have made our movements cautious, consequently protracted, under heavy expense. The incurrence of such circumstances was, at all events, to be risked by us: since, I repeat, it was not a matter of option, whether the extinction of an evil so intolerable as the ravages of the Pindarries should be undertaken. It has been said, however, that a confident expectation was entertained of achieving the main purpose, while every hostile speculation of the Native Sovereigns would be repressed by our sudden pre-occupation of particular positions; and this calculation applied in a more special degree to Scindia. Residing at Gwalior, he was in the heart of the richest part of his dominions; but independently of the objection, that those provinces were separated from our territory only by the Jumna, there was a military defect in the situation, to which it must be supposed the Maharajah had never adverted. About twenty miles south of Gwalior, a ridge of very abrupt hills, covered with the tangled wood peculiar to India, extends from the little Sind to the Chumbul, which rivers form the flank boundaries of the Gwalior district and its dependencies. There are but two routes by which carriages, and perhaps cavalry, can pass that chain; one along the little Sind, and another not far from the Chumbul. By my seizing with the centre division a position which would bar any movement along the little Sind and placing Major-General Donkin's division at the back of the other pass, Scindia was reduced to the dilemma of subscribing the treaty which I offered to him or of crossing the hills through bye-paths, attended by the few followers who might be able to accompany him, sacrificing his splendid train of artillery (above one hundred brass guns) with all its appendages, and abandoning at once to us his most valuable possessions. The terms imposed upon him were esentially unqualified submission, though so coloured as to avoid making him feel public humiliation. Their intrinsic rigour will not be thought overstrained or unequitable when it is observed that I had ascertained the Maharajah's having promised the Pindarries decisive assistance, and that I had intercepted the secret correspondence through which he was instigating the Nepaulese to attack us. Nothing, in short, but my persuasion that the maintenance of the existing Governments in Central India, and the making them our instruments and sureties for preserving the future tranquillity of the country, could have dictated the forbearance manifested under the reiterated perfidies of that prince. He closed with the proffered conditions, and was saved by the acquiescence. The advantage to us was, that resistance in any other quarter could be only a transient ebullition. To the more distant States, this non-appearance of a formidable force with which they were to co-operate, was absolute incapacitation from effort. In my way back to Calcutta in July 1818, I received

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a rescript brought by an envoy from the Birman Monarch, whom we incorrectly call King of Ava, from one of the great divisions of his empire. The purport of this curious paper was a requisition for our immediate surrender of all the provinces east of the Baugrutty, even including Moorshedabad, with a menace, that should the demand not be obeyed, he would lay waste our territories with fire and sword. His projected hostility was evidently a measure concerted with the Mahrattas; and during the rainy season, when the overflowing of the rivers renders the march of troops impracticable, his Majesty conceived, by advancing a title, howsoever extravagant, to those provinces, he should have an ostensible ground for invading a State with which otherwise he had no quarrel. I sent back the envoy with an intimation that the answer should be conveyed through another channel. He had come from the court through the northern Birman provinces. The answer was despatched by sea to the Viceroy of Arracan, residing at the port of Rangoon in the Central Division, for transmission to his sovereign. It expressed, that I was too well acquainted with his Majesty's wisdom to be the dupe of the gross forgery attempted to be palmed upon me; wherefore I sent to him the document fabricated in his august name, and trusted that he would subject to condign punishment the persons who had so profligately endeavoured to sow dissension between two powers reciprocally interested to cultivate amity. By this procedure, I evaded the necessity of noticing an insolent step, foreseeing that his Birman Majesty would be thoroughly glad of the excuse to remain quiet, when he learned his secret allies had been subdued. That information he received at the same time with my letter; and all further discussion or explanation being forborne, the former amicable intercourse continued without change. The circumstance will shew the extent to which the negotiations of the Mahrattas had gone, exhibiting also the advantage of using exertions so decisive, as should not leave time for distant enemies to come forward.

The former treaty with Scindia, which I had declared annulled on the proof of his hostile practices, contained an article equally discreditable and embarrassing. We were bound by it to have no correspondence with the Rajpoot States, and were thence debarred from granting to them that protection, which they offered to repay by co-operating for the suppression of the Pindarries. Emancipated from so injurious a shackle, I received all these States as feudatory to the British Government. Though each possessed considerable force, their reciprocal estrangements (proceeding chiefly from punctilious, and often hereditary quarrels between the reigning princes) prevented their ever forming any union. They were consequently plundered for a succession of years, not only by the Pindarries, but by the armies of Ameer Khan, of Scindia, and of Holkar. Devastation had become so familiar to the eyes of the rulers of those countries, that they viewed almost with indifference the oppressions exercised over the ryots, or cultivators of the soil, by the troops which garrisoned their fortresses or were maintained about the Sovereign's person. The connexion which they now formed with us secured them against outrage from without, while a main stipulation on our part was, that their own troops should be subjected to such a system of regularity, as would ensure the property and domestic quiet of the villager, or entail upon an aggression immediate exemplary punishment. The further obligations under which the chieftains placed themselves were, to refer all differences among them to the British Government, to keep a well-equipped contingent in readiness for any call from us, and to employ that soldiery, in the mean time, to crush within their respective States any petty predatory gangs which might become a nucleus for future mischief. These arrangements, rendered efficacious by very simple measures adopted on our recommendation, produced to the Sovereigns, as well as to the subjects throughout those populous regions, a comfort to which every British individual who has traversed that part of India will bear witness. A more formal testimony is on record. When Major-General Sir David Ochterlony was to quit Delhi, in order to assume the superintendence of our relations with the Rajpoot States, he was directed to make an extensive tour through those territories, in order that he might inform the Government at Calcutta what had really been the practical result of our endeavours to meliorate their condition. A copy of his account is annexed to this document. The nature of the statement admits no loose representation; it is an official report, to the accuracy of which the character of the officer is pledged.

The campaign closed with our having acquired undisputed sway over every portion of India: the States which had not professedly subscribed to our sovereignty (Gwalior and Bhurtpore) being, in truth, thence the most entirely subjected to our pleasure, since they were unable to hesitate about compliance with any suggestion; while our interference, on whatever plea of public necessity, would not be limited by those reservations which we had defined in favour of the feudatory sovereigns. This advantage for the Honourable Company greatly enhanced, by its having been attained at a price in blood and treasure short of all probability, when the operations were on so vast a scale, that some of the corps directed to a common centre and object, had been moved from stations distant not less than twelve hundred miles from each other. The dissipation of a serious conspiracy, and the uniting almost every Native power with our interests, were still not the only grounds of satisfaction. The important degree in which, as represented by Sir David Ochterlony, the population of the Rajpoot states, amounting to some millions, was benefited by the procedure of the British Government, will excite lively gratification. That population, however, formed but a part of the immense mass rescued from misery. A lighter term cannot well be used, for the condition of those who had been exposed to the ravages of the Pindarries. When it is recollected that the association in question consisted of above thirty thousand mounted men, all professedly subsisting upon plunder, the extent of theatre necessary to furnish an adequate prey may be well conceived. The whole of the Nizam's subjects, as well as the inhabitants of the northern Circars of the Madras Presidency, were constantly exposed to devastation.

devastation. It was not rapine alone, but unexampled barbarity, that marked the course of the spoilers. Their violation of the women, with circumstances of peculiar indignity, which made multitudes of the victims throw themselves into wells or burn themselves together in straw huts, was invariable; and they subjected the male villagers to refined tortures, in order to extract disclosure where their little hoards of money were buried. From this scourge the territories to which I have alluded were freed by the annihilation of the Pindarries; and the value of the relief was manifested by the speedy re-occupation and cultivation of extensive districts in the Nizam's dominions, which had for some years lain deserted by the former inhabitants. The extremity of despair, alone capable of making Hindoos abandon their native seats, will be intelligible to all acquainted with India. Had it not been for the timely interposition, large tracts in the Company's provinces would have been similarly depopulated.

A security from external violence was not the only boon which the body of the inhabitants throughout Central India received from the British Government. The anarchy existing in the States now become feudatory, not only furnished a just pretension for recommending arrangements, but made the chiefs unfeignedly resort to us for aid, in fixing the fundamental rules of their governments. Confined to their capitals, as they had nearly been for years, through the fear of being cut off by some predatory leader or by some of their own refractory vassals, they were conscious of inability to restore order in their disorganized dominions, and they frankly invited advice, which according to my directions was, in every case, so respectfully tendered by the British Agent, as not to hazard a wound to pride. Hence it was easy, where no acknowledged usages stood in the way, to establish principles between the sovereign and the subject advantageous to both; giving to those principles a defined line of practical application, departure from which would afford to either party the right of claiming the intervention of our paramount power. While the sovereign had his legitimate authority and his due revenue insured to him, the subject was protected against illicit exaction or tyrannical outrage. The main danger to this compact lay with the great vassals. They, however, were unequivocally apprised that any infraction on their part of the promulgated regulations of the State would be immediately chastised by a British force, so that they had not to reckon on the weakness of their sovereign for impunity in any unconstitutional combination. This could not be construed by them as an empty menace. A striking example had been displayed to them. Two chiefs dependant on Scindia, confiding in the strength of the fortresses held by them within his dominions, had disclaimed obedience to him, and remained contumacious, though summoned by us to submit themselves to their sovereign. As a body of our troops were in the neighbourhood, I caused each of the fortresses to be besieged; and as soon as they were surrendered, I put them into the hands of the Maharajah, without any demand for the expenses of their reduction. I was guided by two considerations; first, that chiefs destitute of revenue could not maintain garrisons without a licence to their men for plundering, which would renew the system I had been eradicating; secondly, that Scindia might, from their unchecked insubordination, pretend equal inability to control others of his vassals, thereby escaping the responsibility which I meant to fix upon him for the maintenance of tranquillity. The measure evinced so clearly the sincerity of our intention to uphold the Maharajah's Government, that it won him to decided reliance upon us, and induced him to meet unhesitatingly many propositions relative to general convenience, which he would otherwise have regarded with jealousy. In particular, I obtained his acquiescence to the keeping up for a further term the contingent of five thousand horse, paid by him, but subject to our requisition and direction. This force he had been bound by an article of the treaty to furnish towards the extirpation of the Pindarries. One of the Company's officers was attached to this corps, under the semblance of securing that its number and efficiency should answer to the terms of the engagement; but the Sirdar ostensibly commanding that body left, with his master's assent, the complete guidance of it in the field to the British officer. Scindia had evaded producing this contingent until after the destruction of the Pindarries. To compensate for such a delay, which I affected to consider as accidental, I pressed that the corps should be employed in extinguishing certain mischievous associations in Scindia's territories. The description applied not only to some bands of avowed robbers, but to a particular class denominated Thugs. This nefarious fraternity, amounting by the best information to above a thousand individuals, was scattered through different villages, often remote from each other; yet they pursued, with a species of concert, their avocation. This was the making excursions to distant districts, where, under the appearance of journeying along the high roads, they endeavoured to associate themselves with travellers, by either obtaining leave to accompany them, as if for protection, or when the permission was refused, keeping near them on the same pretext. Their business was, to seek an opportunity of murdering the travellers when asleep or off their guard. In this three or four could combine, without having given suspicion of their connexion. Though personally unacquainted, they had signs and tokens by which each recognised the other as of the brotherhood; and their object being understood without the necessity of verbal communication, they shunned all speech with each other, till the utterance of a mystical term or two announced the favourable moment and claimed common effort. Scindia's tolerance of an evil so perfectly ascertained, merely because the assassinations were seldom committed within his own dominions, may afford a tolerable notion of the vitiation of society in Central India before this late convulsion. There is reason to believe, that by this time the pest in question has been rooted out; which, with the suppression of some bodies of horsemen under military adventurers (a service completely achieved by the contingents) will be no less a benefit to Scindia's own government than the adjacent countries. These changes having been effected, no excuse remained with Scindia

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why he should not be answerable for any aggressions suffered by his neighbours from parties assembled within his territories. To counterbalance the bond thus imposed upon him, he received signal advantages. It is true, he was hemmed round by States leagued with each other and with us; so that, still possessing considerable military means, he could not undertake a war without entailing destruction on himself: but he was incomparably more master over his own Sirdars, or leaders of divisions, than he had ever before been, since, if dismissed from his service, they could not debauch the troops which they commanded, through the confidence of supporting them by the plunder of other countries: and he had gained materially in point of revenue, both as to amount and as to certainty of receipt. A number of insulated patches in Malwa, forming a very valuable aggregate, had belonged to the Peishwah, and by right of conquest devolved to us. Few of those small possessions would be annexed to territories which we meant to retain. Such of them as were contiguous to States where it was our interest to give additional strength, were gratuitously transferred to those governments. Where any of them lay between the body of Scindia's dominions and some detached district of his, so as that by the cession we could connect those territories, we made over our rights to the Maharajah by exchanges, which were always extraordinarily profitable to him. It was highly gratifying to me, that in this mode I was enabled to bestow on the Nawaub of Bhopaul a splendid reward for the liberality with which he had sold all his jewels to maintain troops in aid of our exertions. The fortress and territory of Islamnuggur had been the original possession of his family. In the lifetime of his father, Scindia's predecessor had obtained it, through the treachery of the officer to whom it was entrusted, and the strength of the fortress rendered hopeless any endeavour to regain it by siege. This possession, widely separated from the territories of Gwalior, we acquired from Scindia, by giving him in exchange districts greatly superior in value, as well as adjoining to the body of his dominions; and then we conferred it on the Nawaub of Bhopaul, as a free gift, to recompense his gallant manifestation of gratitude for the protection his country had received in the crisis of the Nepaul war. The Honourable Company will no doubt approve the policy of such an exhibited proof, that attachment to their government was an advantageous course. In other instances, the exchange was rarely territory for territory. Many of the neighbouring States acknowledged tribute as due from them to the Maharajah of Gwalior. It had been a *Black Mail*, by which they purchased an exemption, ill observed, from predatory incursions. Length of usage, however, had given to these payments a colour of right. I desired to extinguish them, that Scindia might not have a motive or plea for regular communication with those governments, and I proposed to him that he should accept land in lieu of them, where I could allot to him any tract contiguous to his old possessions. This was agreed upon, with large amount of surplus of yearly income to him on each exchange; and where the annihilation of the tribute could not be managed on those terms, it was settled that we should regularly pay the sums to Scindia as they became due, on his transfer of the tributary claims to us. This is noticed, not merely as explaining the precautions taken by us for the future quiet of Central India, but also for the purpose of introducing mention of a circumstance so descriptive of Mahratta principles, as to show the impossibility of reckoning upon tranquillity in India, with a less complete revolution than what we effected. Scindia's minister appearing not wholly satisfied with the arrangement to which the Maharajah had subscribed, it was represented to him that the gain was unquestionable; since, where his sovereign had received land, there was a material accession of territory, as well as a great increase of income, beyond the rate of the tribute, while, in the other cases, Scindia never could have levied the tributes for which we had agreed to furnish the composition, his marching troops through the States dependant on us being interdicted. "True," replied the minister, "there is a visible immediate profit, but then there is the loss of an advantage which "we Mahrattas think inestimable, that of having a finger in every man's dish."

All the vices of administration which reigned in Scindia's dominions, existed no less rootedly within the Poona State and that of Nagpore. The population, therefore, in each of those States, as likewise in Holkar's territory, was extraordinarily benefited by the issue of the contest. In the districts which were retained for the Honourable Company, the regular equity of our rule superseded the capricious oppression of the antecedent sway; but even in the dominions restored to native princes, our example and advice established a tone of government altogether unknown before. The general view of policy embraced by us had been to uphold, as much as possible, the ancient authorities, where we could prevent their being hereafter dangerous; and our principle was, to confirm titles as we found them, without admitting retrospects which could never be satisfactorily determined. One obvious exception to this plan presented itself. The Peishwah, Bajee Rao, could never be trusted, after his original perfidy in unprovokedly forming a wide conspiracy for the extirpation of the British, and after his subsequent attempt to overwhelm and massacre the British Resident stationed at his court under the pledge of his protection. This criminality of Bajee Rao's was aggravated by the murder, in cold-blood, of British officers who were travelling in his dominions without suspicion of impending rupture. A more imperious consideration, however, presented itself. We had experienced in the conduct of Toolsye Bhye (the Regent of Holkar's State), and in that of Appah Sahib, Rajah of Nagpore, that no acts of personal kindness, no obligations of plighted faith, no conviction of almost inevitable ruin, could weigh with the Mahratta chiefs against the professed bond of obedience to the heads of their tribes. It was evident that, were such an ostensible superiority to be revived, any compact with Mahratta princes must be nugatory towards the future tranquillity of India. It was indispensable to divorce those sovereigns from acknowledged community of interest. To have put the Sattara family in possession of the Poona dominions would have been to create a new leader of the Mahratta confederacy, in whom would have vested all that influence.

ence which we had found capable of being so dangerously exerted against us. It was matter of the clearest self-defence, not to resuscitate such a power: Bajee Rao's dominions were, therefore, declared forfeited. The profligacy of his conduct towards us justly merited that punishment. At the time, however, of his surrender, he had bargained that he should not be kept in close confinement, and that he should have a handsome allowance for his support. These stipulations have been construed with the liberality due to his former eminence. He resides at a station on the Ganges fixed upon by himself, under the sole restriction that he shall not move thence without the assent of the British Government; a limitation so little embarrassing to him in practice, that he has been repeatedly permitted to visit places at which he wished to offer his devotions, though the distance might amount to two hundred miles. In these progresses he has received from every military post the salutes and attentions customary towards a prince. On his marches and at his residence he is surrounded by his own guards, amounting to about four hundred, horse and foot, among whom he administers justice in all cases not capital. Beyond his allowance of one hundred thousand pounds yearly, he is in possession of several camel-loads of treasure, which have never been examined, so that he and his two wives can display any degree of splendour they may wish to exhibit. In short, his situation is as dignified as it can be made, consistently with our security and with the necessary superintendence of a Commissioner, who observes towards him every exhibition of respect. His brother, Chimnajee, resides at Benares on a more moderate, but still generous stipend. To the Sattara Rajah an independent territory has been assigned out of the late Peishwah's possessions. It yields a large revenue, competent to the maintenance of considerable pomp: an extraordinary change of position for one who used to be kept in strict custody, with a knowledge that the guards set over him had Bajee Rao's orders to put him and his family to death, on any probability of his being delivered; a command, the execution of which was prevented by the sudden dispersion of his escort, and capture of his person, achieved by our cavalry at the battle of Ashta. Holkar, a hopeless fugitive, was recalled, and established as sovereign of a territory really producing more, from the beneficial administration introduced, than had ever before reached the coffers of the Government. The districts of which he was nominally deprived, to form the independent territory of Ameer Khan, the feudatory allotment for Guffoor Khan, and a little addition to the Rajah of Kotah, had in fact been irrecoverably alienated, and were held by those chieftains with a force which would render any attempt by Holkar's government to dispossess them, idle. The Guickwar had not been involved in the conspiracy, and he profited, as a friend, by our bestowal to him of some lands and rights in the province of Guzerat, which had appertained to Bajee Rao. Appa Sahib, the expelled Rajah of Nagpore, is the only individual of the Mahratta sovereigns remaining to be accounted for. When he stood in a perilous condition, from his proximity to the rule of that country and the jealousy which the reigning prince entertained of him, we secured his life by our avowed protection. The subsequent decline of that reigning prince's intellect into complete idiotcy, made it necessary for the British Government to use that privilege of interposition, to which we had entitled ourselves by a recent treaty. The Rajah was taken out of the hands of some low wretches, whom he had collected to amuse him while he had yet a sense of volition, and who under his name were pillaging the treasures of the state; and the Regency was placed in the hands of Appa Sahib. The Regent, availing himself of the facility which his situation afforded, caused the Rajah to be poisoned, lest he should adopt a son who might, notwithstanding the Rajah's incapacity of choice, find support from some party in the state. The crime was suspected; but as there was not then any thing like proof of it, the surmise could not stand in the way of Appa Sahib's accession to the musnud or throne, so that he was immediately recognised by us as the lawful head of the Government. Our further intercourse was a succession of favours lavished by us, till the Peishwah resorted to arms. At that epoch Appa Sahib, with the basest treachery, endeavoured to destroy the Resident, by an attack which he hoped would be unexpected. Being foiled in the attempt, and intimidated by the approach of large bodies of our troops, he opened a secret negotiation with the Resident, offering to withdraw from his army, which he would order to separate into quarters, and to repose himself entirely on the Resident, were he assured that his exercise of his sovereign power should be undiminished. The proposal was accepted, on Appa Sahib's solemnly plighted faith, that he would not seek to aid the Peishwah, whom we were pressing closely in the field, or hold any communication with him. The army of the Rajah did not disperse, but on the contrary stood an action under the walls of the capital, thereby affording ground for suspicion that Appa Sahib had taken the double chance of resting upon us, should his forces be defeated, or of rejoining them should they be victorious. Notwithstanding the doubt unavoidably excited, the route of the Rajah's troops made it appear our most desirable course to confirm him in his professed good disposition, by seeming to give the fullest credit to his sincerity. While we were thus encouraging him, we obtained unquestionable proof of his being in correspondence with the Peishwah, and of his having solicited that prince to hasten with his army to Nagpore, where his Highness would be joined by the Nagpore forces, broken for the moment, but not extirpated. Pursuant to this invitation, the Peishwah marched in the direction of Nagpore, and was joined by the portion of the Rajah's troops which happened to have retired in the vicinity of that line. As the machinations of the Rajah now became seriously dangerous, his arrest was indispensable. It took place accordingly, when one of his principal ministers, who was seized at the same time, openly reproached him for the ingratitude and folly of the conduct, whereby his Highness had involved both of them in such disgrace. He asked the Rajah whether he would deny his (the minister's) having earnestly and repeatedly supplicated his Highness to abstain from the perfidious intrigues into which he was plunging himself.

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himself. Appa Sahib admitted the truth of the minister's assertion, saying, moreover, that he had been aware of the probable ruin attending his procedure, but that his bond of obedience to his chief, the Peishwah, was above all other considerations. Orders were issued for the Rajah being sent to a fortress on the banks of the Ganges, where he was to be for the present detained, but with respectful treatment. The British officer commanding the escort was instructed not to subject the Rajah to restraints, which might be humiliating without being absolutely necessary for preventing his escape. This desire on the part of Government was construed by the officer with such latitude that he left to the Rajah the means of getting away. Appa Sahib betook himself to a hilly province of his country, where he collected a considerable body of mountaineers, and called on the inhabitants in general to rise in his favour: this made it expedient for us to lose no time in establishing a new Government. The members of the reigning family, and the principal persons of the state, were consulted. They unanimously recommended the nearest of blood in the Bhoosla (the Rajah's) family for the succession, and he was raised to the musnud in the room of Appa Sahib, we retaining the tract along the Nerbudda which had fallen to us after the action at Jubbulpore, and which was necessary for the continuity of our territory. The country has since remained in quiet and prosperity under this arrangement. Appa Sahib, forced from his strong holds, fled to Asseergurh, where he was secretly received by Jeswunt Rao Lar, the Governor, who had long instigated his opposition to us. Not caring to abide by the fate of the fortress, when our troops advanced to besiege it, he quitted it in disguise, and made his way to Runjeet Sing in Lahore. The latter could not, according to Indian habits, refuse him shelter; but well understood, that the granting this refuge to the Ex-Rajah could not be offensive to us, and would not need explanation, if he (Runjeet Sing) prevented the Ex-Rajah from collecting any body of armed adherents. Appa Sahib has, therefore, remained in the territories of Runjeet Sing, subsisting on a slender allowance granted to him by that chief, and strictly watched, though not declaredly a prisoner. Thus the condition of the several Mahratta states has been pourtrayed. Each is hemmed round and effectually shackled, partly by the Honourable Company's possessions, partly by Patan or Rajpoot states of considerable strength, and bound to us by the clearest community of interest. The peace of Central India seems well secured, while the extension of our paramountship to the Indus has a bearing which shall be noticed hereafter.

When a crisis altogether inevitable had occurred, and unprovoked malignity had imposed upon us a struggle, not for preponderance, but for the retention of any footing in India, the having risen superior to the danger, even at heavy cost, would be a rational ground for self-gratulation. In proportion as the effort had made a recurrence of similar hazard less probable, the charges suffered would be lighty regarded. Should a further advantage have been acquired; should a large addition to the annual revenue of the Honourable Company follow the removal of the peril which had impended, and attend the substantiation of an arrangement precluding, as far as human calculations can go, all likelihood of convulsion for many years, little might appear remaining to be wished, and the pecuniary sacrifice at which such a position was purchased would not be very strictly considered. The satisfaction, however, may admit an ingredient rendering it more complete. The bettered condition of several millions of the natives, whence our supremacy has been spontaneously and joyfully acknowledged by the great bulk of the inhabitants, is a pride for the Honourable Company's reflection as well as a security for its interests. It is, I most confidently believe, so felt. I proceed to show, that in the attainment of points every way so important, the Honourable Company has not been put to the expense of a single shilling.

Lest any doubt should be suggested on the comparative statements which I intended to submit, I required specific answers on certain heads from those public functionaries in India immediately charged with the financial details. The letter in the Appendix, signed by the Secretary to Government in the Revenue department and by the Accountant-General, is evidence equally precise and irrefragable. Each separate exposition which I offer will be verified by reference to that document. To be more generally understood, I convert their sums of rupees into English sterling. In doing this, the Sicca rupee is estimated at two shillings and sixpence; because, although that be not the rate at which it is at present receivable in England, it is better to take the computation according to which former accounts have been discussed in Parliament, than to look to a fluctuating exchange; while the assumed value of the coin is of no consequence in the comparison of sums at different periods, since the same rate is made applicable to each.

The financial year of India commences on the first of May; of course, closes with the 30th April. Having arrived at Calcutta late in 1813, I regard my financial management as having commenced on the first of May 1814; that is, with the beginning of the official year 1814-15. On that day the registered Indian debt stood at rupees 21,31,92,502, or £. 26,649,052. 15 *s.*

On the 30th April 1821 the registered debt stood at rupees 25,85,06,549, or £. 32,313,318 12 *s.* 6 *d.* There was, consequently, an augmentation of the public debt amounting to £.5,664,255. 17 *s.* 6 *d.*

This amount is taken on the 30th April 1821, at which date the increase of debt was at its highest; a subsequent operation in finance involving the possibility that portions have been liquidated at home with money remitted for the eventual purpose, and rendering it impracticable to state the point with certainty at a later period. It is now to be seen what was on the same day to be set in the opposite scale to that increased burthen.

The cash balance is the money remaining in the different treasuries of the three Presidencies after the demands of the official year are defrayed. The aggregate cash balance of the

the three Presidencies, or Indian cash balance as it is called, amounted on the 30th April 1814 to rupees 4,80,67,149; that is, £. 6,008,393. 12 *s.* 6 *d.*

On the 30th April 1821 the Indian Cash Balance amounted to rupees 9,78,62,227, or £. 12,232,778. 7 *s.* 6*d.*

This latter sum exceeds the sum in hand on the 30th April 1814, by £. 6,224,384. 15 *s.*

It appears by the above account, that on the 30th April 1821, the addition of cash accumulated in the treasuries exceeded the addition made to the registered debt, by more than five hundred and sixty thousand pounds; so that, upon that day, I could have wiped off the whole of the additional debt incurred during my administration, and have left the public coffers richer by above half a million than I found them. Though the rapid increase of our income might seem to recommend this measure, while there would have been a striking effect for myself, I could not reconcile my mind to a step which I conceived essentially objectionable. The augmented value of the Government securities in the market could not affect us as far as respected loss, since we had it at our option to discharge the bonds at par: but I deemed it highly impolitic (and I remain firm in the opinion) to break a tie which so obviously secures the attachment of the monied class to our Government, in a country where that class has peculiar influence. Latterly I have had reason to believe that the Native Princes have fallen into the habit of vesting their money in those securities; a motive the more for them to abstain from intrigues against us. The periodical discharge of the interest never can be an embarrassment to Government; nor is the magnitude of the debt objectionable in any other respect, when the high premium which these bonds command distinctly proves, that the number afloat scarcely suffices for the convenience of our native subjects. When I left India, the premium on those bonds, the interest of which was payable in Calcutta alone, fluctuated between fourteen and sixteen per cent.; a material difference from the regular discount of twelve per cent., at which I found them. Although the accommodation of our native subjects in such a depository for their money, and the facilitation to commercial transactions advantageous for the Honourable Company which such a convenience affords, be but a secondary consideration, it strengthens the argument for identifying the interest of a leading body of the natives with ours, by making such a proportion of their fortunes depend on our stability; and I anxiously hope that these circumstances will be fully weighed, before any part of the accumulation shall be worse than wasted, by applying it according to theoretic rules, totally unsuitable to the present state of Indian affairs. The fact of such an accumulation during a period of uncommon exertion must appear singular. The solution which might the most readily present itself would be, that the Government in India had, throughout the term in question, at least narrowed, if not wholly withheld the usual supplies to England. How that article stands has not been left to conjecture. For the twenty years preceding that which commenced on the 1st May 1813, the average of annual supplies from India to England (beyond those from England to India) amounted to rupees 38,83,465, or £. 585,433. 2 *s.* 6 *d.*

The average annual supply (similarly measured) from India to England, during the eight years from 30th April 1814 to 30th April 1822, was rupees 1,05,90,515, or £. 1,323,814. 7*s.* 6*d.*

Had the comparison been drawn from what India contributed to England during the first five years after the 30th April 1814 (the year within which all the active operations were comprized), the result would have been prodigiously more marked in favour of the local Government. It was, however, desirable to bring down the account to the latest day on which it would be made out; and thence a very extraordinary and unexpected charge came to be included in the description of supplies to India. This shall presently be explained. It is first, however, expedient to notice, why the year 1813-14 is not taken as one of twenty preceding my administration, lest it should be thought that there was some advantage in leaving it out. The year could not, with any accuracy of definition, be numbered as preceding my administrations, since during the half of it I conducted public affairs: I was not entitled to assume for myself any merit for management in the earlier months, and in my portion of it I remitted to the Honourable Court a large sum in gold (I think about £. 300,000.) beyond the ordinary supplies, which sum is not admitted into the credit of my statement, and could not, of course, be correctly set against me. Hence the year was necessarily a neutral one as regarded the calculation. The secret of the accumulation is this. Though the military operations were of immense scale, there was great attention not to incur the charge of preparations, other than what were foreseen to be indispensable, and constant vigilance was exercised to prevent slatternly expenditure. From that care, the yearly income was sufficient to answer the additional demand of the war, and the produce of the loans remained in the treasury. The provision of cash from that resource has been so strongly urged as a measure of salutary precaution by those most experienced in the pecuniary details of the Government, that I had through deference, though not without some doubt, assented: but when a loan was invited by the Council at Calcutta, while I was at Cawnpore, it appeared to me so decidedly superfluous, that I requested the books might be closed as soon as possible. Luckily the accumulation of the sum has not entailed any inconvenience, and the money is available for the purposes of the highest importance.

The occurrence to which I alluded, as having affected in appearance the balance of supplies between England and India, was this. It was an article in the engagement, that the bond-holder should have the option of receiving the interest in India or from the Honourable Court in London, as might suit his convenience. That choice had been given to accommodate the British lender, it never having entered into conception, that the native bond-holder could resort to it. In the year 1819-20, however, the course of exchange became heavily disadvantageous for Calcutta. The Europeans residing in the city immediately perceived the means of profiting by the circumstance. By giving to the native bond-holders something more than would have been receivable at the treasury, they obtained

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from the former bills on the Honourable Court in London for the amount of interest due. This practice was carried to the extent of the whole debt, occasioning a loss of nearly twenty-two per cent. to the Honourable Company, besides the inconvenience of having such a mass of bills to meet. The abuse demanded instant remedy. When it has been shown how low was the credit of Government in 1813-14, our command of the money-market in 1819-20 may be viewed with some surprise. It was so complete, that Government was enabled to notify bonds to the amount of fifteen millions sterling for immediate liquidation, unless the holders would exchange them for new bonds, the interest of which should be demandable in Calcutta alone. The new bonds were invariably accepted by persons on the spot. An adequate term was allowed to agents to take the pleasure of their principals at home, as to being paid off, or ceding their title to receive the interest in England; and it is this which prevented the state of the debt from being particularized later than the 30th April 1821. It is obvious that it might be lower on a subsequent day, but could not in the interval have received addition. Bonds of a date posterior to those notified as above could not be dealt with exactly in the same manner, for Government feared to produce distress, by diminishing too much the means of remittance. To the holders of those bonds, the choice was given of receiving payment or of accepting new bonds, entitling the holder to exercise the option of demanding the interest at the Calcutta treasury, or of drawing on the Honourable Court for the amount, at the exchange of two shillings and a penny for the Sicca rupee instead of two shillings and sixpence. The new bonds were almost generally taken, and I left them bearing a premium of from eighteen to twenty per cent. The annual loss against which the Honourable Company has been protected by this operation, for as long as a rate of exchange similar to the present may last, has been calculated at two hundred and fifty thousand pounds.

As a particular in the improved condition of affairs in India, I mentioned the augmentation which the Honourable Company's revenue has received. The addition is not inconsiderable. The joint receipt of the three Presidencies for the official year 1813–14, excluding items which did not arise from Indian sources of revenue, amounted to rupees 14,74,07,322, or £. 18,425,915. 5 s.

The receipt of 1821–22, restricted in the same manner, was rupees 18,88,09,832, or £. 23,601,229.

The income of the latter year, consequently, surpassed that of the year 1813–14 by £. 5,175,313. 15 s.

Had it not been for a peculiar oversight, the excess would have been much greater. To prevent interference with the Honourable Company's trade in opium, we had made a treaty with the several independent chiefs in western Hindoostan, to purchase at a settled price the drug from them to the fullest extent in which they had respectively hitherto produced it, prohibiting the admission of any quantity beyond that amount into our territories. As the possessions of the chiefs in question were contiguous to the Bombay Presidency, that Government was requested to manage the sale for export of the opium so acquired. From being unaccustomed to the arrangement, the Bombay Government made its terms, that the whole price for the opium of 1821–22 sold by it should be payable in May 1822, thereby excluding that article of income from the official year to which it fitly belonged. As the amount was thirty-eight lacs of rupees (or four hundred and seventy-five thousand pounds sterling) the difference occasioned by its omission from the accounts of its proper year is not trifling. I have no hesitation in saying, that the income of the current year 1822–23, may be anticipated as exceeding by six millions sterling that of 1813–14. This increase ought to be still further progressive, because while none of the sources hitherto productive are likely to become less so, but on the contrary exhibit every promise of yielding more, there is a deduction which must in its nature be annually diminishing in operation, till at length it shall wholly cease. In the territory of Poona, for instance, in order to secure acquiescence in the extraordinary change which we were effecting, life tenures in lands were either confirmed or granted to men of influence, to the extent of fifty-one lacs, or £. 637,500. annually. These are interceptions from the receipt; and it is to be observed, that all the comparisons submitted by me refer not to calculable income but to actual receipt. Life-rents of this kind must successively (many of them speedily) fall in, and swell the sum paid into the Honourable Company's coffers. Tenures of the same description, though not so numerous, had been granted when Lord Lake subdued the territories around Delhi, and such of them as are still outstanding are subject to similar lapse.

Were this increase of receipts accompanied by an exactly corresponding increase of charges, still it would not cease to be an advantage to Britain. It would not be a direct gain for the Honourable Company, though much profit from it would, through circuitous channels, reach the coffers of that body. I should thence have been little satisfied, had I not been able to provide for the safe and undisturbed retention of our newly-acquired territories, on terms which would ensure to the Honourable Company a constant and ample surplus. After revolving every circumstance with the coolest caution, I cannot find any reason why, subsequently to the present year, an annual surplus of four millions sterling should not be confidently reckoned upon. This ought naturally to increase; for, the causes which will augment the receipt have nothing in them tending to require further charges.

Whatsoever melioration the affairs of the Honourable Company may have experienced, such efforts of mine as contributed towards it were no more than simply my duty. The tenour of my engagement implied, in my construction, my plighted honour, to use my unremitting exertions for the advantage of those who placed their reliance upon me; and the critical nature of any unforeseen objects towards which those exertions could become demanded, be the risk of my decision what it might, was of course within our mutual understanding.

standing. I have, therefore, no merit to claim, beyond the consciousness of having indefatigably endeavoured to fulfil that to which I felt myself pledged. At the same time, I may be permitted to avow my exultation at having been able to conciliate, with the strictest discharge of my trust, the bettered condition of an immense population; a circumstance in which I regard the character and interest of our country to have gained much. I believe it an honest boast, to have been even such an humble instrument as I was in the effectuation of that end. Still, the vanity of contributing towards so proud a purpose, might seduce me to pay less attention than was due to my more immediate obligation. Thence, I will beg leave to recapitulate the points of benefit for the Honourable Company which I consider as established, that if I have been anywhere deficient, the particular neglect may at once be seized.

1st. The overweening insolence and hostility of Nepaul, a power dangerous from its position along an extensive and open frontier of ours, has been so completely chastened, as to make that people sensible they can only retain their independence as a state through the moderation of the British Government.

2d. The Pindarry association, a dreadful scourge to every neighbouring community, and peculiarly afflictive to the Honourable Company's subjects, has been annihilated; and the fruitless annual expense of protective measures against those depredators, together with frequent heavy loss of revenue, is henceforth precluded.

3d. A confederacy, aiming at no less than the total extirpation of the British from India, has been so thoroughly subverted, that not a germ is left for its reproduction.

4th. Throughout the term of an administration, during which such unprecedented demands for services on the spot were to be met, the Honourable Court has received, on an average, annual supplies from India (beyond the amount of supplies from England to India) nearly trebling the rate of supplies furnished to it on the average of twenty years preceding. For five years of my administration which demanded most extraordinary effort in India, the supplies nearly quintupled the former example.

5th. The yearly Indian revenue of the Honourable Company from permanent sources, displayed at the close of the last official year an increase of five millions one hundred and seventy-five thousand pounds sterling, by actual receipt. For reasons assigned, that increase is expected to amount, in the present year, 1822-23, to six millions. There is no probability that it should hereafter sink below that rate; but there is every just ground to reckon upon its progressive augmentation.

6th. The clear Indian surplus to be henceforth exhibited is estimated by me at four millions sterling yearly. It will probably be more ample.

7th. The Honourable Court has been, with a material saving, delivered from an embarrassing provision of the conditions of former loans; while the justice of the operation was so distinctly recognized, that the credit of the Honourable Company's Indian securities has risen to a pitch which no speculation could ever have presumed.

8th. In the year 1813-14, the independent powers of India were so numerous and strong as to conceive themselves equal to expel the British; at present every native state in that vast region is in either acknowledged or essential subjugation to our Government.

Lastly. These advantages are not counterbalanced by any burthens contracted in the acquiring them; because there is, at this instant, an accumulation of cash in the treasuries beyond what I set out with, more than sufficient to wipe off the additional debt incurred during my administration, were it wise so to employ the money.

The credit sought for this flourishing condition of the finances might be fallacious. The exposition is delusive and unworthy, if the plenitude of the coffers be owing to the produce of novel and grinding taxes, or to Government's having kept back from the country those issues of money, which every community is entitled to expect shall be applied by its rules in furtherance of public convenience. As to the first, it suffices to say that not a single new impost took place during my administration, while several teasing demands were abolished, as well in the old provinces as in the acquired territories. Regarding the second, I have reason to hope that I cannot be charged with having neglected those facilitations to commercial intercourse, and those encouragements to agricultural activity, which I knew would be consonant to the just and liberal spirit of the Honourable Company. Readiness of communication is, in every country, the chief spur to industry. Roads, of which many approach to completion, are in progress, under the superintendence of the Quartermaster-General's department; and as I do not recollect any of the branches to be of much less extent than two hundred miles, with numerous bridges over streams heretofore often impassable for long terms through the casual swelling of the waters, the degree of accommodation to be thus afforded to the inhabitants would be thought important in any part of the world. It is peculiarly so in Central India, where the prevalence of clayey soil makes the tracks which the natives denominate roads frequently impracticable, for even their light carriages, during the rainy reason. The transportation of goods has been further promoted by attention to canals; though in the latter, an utility has been consulted, far beyond the despatch of articles to a distant market. The canal of Ali Murdhun, after being devoid of water, and its banks every where prostrated for above three score years, has been perfectly restored. The city of Delhi, although situated on the banks of the Jumna, was destitute of wholesome water. The river, in those alterations common to all the greater streams in their course through the wide plain of Northern India, had come into contact with such vast beds of natron, that its water became powerfully impregnated with the salt, and consequently nauseous. To remedy the distress, Ali Murdhun conceived the grand design of forming a canal, which should receive a large portion of the stream of the Jumna where it issues pure from the mountains into the plain, and should convey it to the Mogul capital. This was achieved. The extensive tract through which it passed had been chiefly untilled, because in most parts the wells sunk in it

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furnished only water so saturated with natron, as to be unfit to drink and adverse to vegetation. The facility of irrigating the land with the water of the canal soon collected settlers and produced cultivation, so that a large expanse, till then desert, displayed the most luxuriant fertility. The gratitude of the inhabitants bestowed on the canal the expressive title of "Sea of Plenty." The feelings of the people of Delhi, on the restoration of this canal, may be judged, from the fact that, on the day fixed for removing the last intercepting mound, and suffering the water to proceed to the city, the whole of them went forth to hail the boon, by throwing garlands and sweetmeats into the advancing current. A long branch from this most useful work had formerly, under the name of Feroze Shah's Canal, been pushed into the province of Hurreeana. Its supply was lost in the destruction of the magnificent source whence it had been fed, and its course remained but partially traceable. At the time of my departure from India, this canal was nearly re-established; every mile of its progress being attended with revived teeming cultivation, in a region which had been abandoned. A third canal, which runs longitudinally through the Dooab, and had been constructed in ancient times to accommodate a country where streams were scarce, was also in process of restoration when I sailed. Calcutta was, naturally, not overlooked by me. The causes of the insalubrity of the city had been carefully investigated and ascertained. Contagious distempers were unavoidably generated, by the excessive closeness with which the houses of the natives were huddled together in the heart of the city, and the numerous small pools of stagnant water concealed among those hovels. Large sums having been advanced to the Committee of Improvement, a well-considered plan was adopted for correcting both the unhealthiness and the inconveniences. The main remedy lay in piercing Calcutta through the centre, in its longest diameter, with a street sixty feet wide. The ventilation of the city, as well as the comfort of the inhabitants, was further promoted, by making several squares, with a tank or spacious reservoir of water in the middle of each, to be surrounded by planted walks for the recreation of the better classes. These improvements, however, still, as to ornament and convenience, fall short in comparison with the quay called the Strand, destined to extend upon the river bank along the city between two and three miles. Much of it is already finished, to a height of about forty feet above low-water-mark, with many gauts, or broad flights of stairs, for the accommodation of the natives in the bathing prescribed by their religion, as well as for the landing of goods. Being sixty feet clear at the top, this quay will afford great facilitation for the carriage of articles from the shipping to all parts of the city. There is another work, which, though not actually begun, is fitting to be noticed here. Dangerous shoals between the mouth of the Hooghly and Calcutta prevent all ships of considerable size from coming up to the city; and merchant vessels, of but moderate bulk, are exposed to no little risk in the attempt. At the same time, the violent squalls, and the Bore to which the Hooghly is liable, render the despatch of cargoes back and forward by the river sloops, tardy and hazardous. As a remedy for this difficulty, it has been proposed to form from Calcutta to the new anchorage, where the great ships ordinarily moor, a canal competent to be navigated by those sloops. A survey having been made by my direction, the plan appeared securely and speedily feasible; partly by cuts, partly by availing ourselves of favourable reaches in different small rivers. The length would be about ninety miles. As the tolls would furnish a large interest for the money expended, I left upon record my opinion, that the undertaking should be earnestly recommended to the Honourable Court of Directors. Conviction may be felt from this statement, that the fostering attention which the Honourable Company would desire should be paid to the immense population over which it presides, has not been sacrificed to selfish interests. I do not particularize the dissemination of instruction among the natives, because any impulse which I could lend to its promotion was nothing, in measurement by the standard of those most meritorious and consecutive endeavours of others, whence visible and increasing impression has been widely made in the country. The point is mentioned only, lest I should leave myself open to the impression of not having adverted to a duty of such deep concern.

I have ventured to suppose the interests of our country at large, as having been promoted by the recent settlement of India. In no way could I gratify the Honourable Company more, than in showing that it did not seek the enjoyment of an exclusive benefit, but prided itself on reaping its advantages under the influence of our national prosperity. It is strictly accurate to contemplate the case with this extended view. The concerns of the Honourable Company have, I trust, been solidly improved; but it has only been through arrangements which add directly to the power of Britain. I am prompted not to let slip the opportunity of making the assertion, from my being aware that, except in a confined circle, the affairs of India are insufficiently understood in England. The worth of so splendid an appendage to the British crown is not adequately estimated. Strange as it may seem, I myself remember to have heard the argument vehemently supported a few years ago, that India was an injurious drain to the Mother Country. It is difficult to figure to one's-self how so loose a notion had been adopted. Were we to rest on advantages of an inferior description alone, our footing in India affords several to England, unbalanced, as far as I can judge, by any inconvenience. An honourable and dignified maintenance is provided for branches of many respectable families, thereby removing a burthen from the patrimonial estate, with a prospect of ultimate wealth to uphold the name. Then let advertence be given to the fact, that almost every one of these functionaries renders assistance to some connexion or other at home. The remittances from his liberality, which is fully within my knowledge, may seem of little consequence; yet the aggregate of a number of streamlets, constant in their course, cannot be indifferent, especially if the supply from those unobserved channels have an obvious tendency to aid that rapid circulation, which is the secret of general opulence in every country. But the magnitude of establishments in India, and that of the military force above the rest,

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has been censured. Perhaps it might be worthy of reflection, that in proportion to the extent of those establishments, will be the scale of those unceasing silent contributions which I have described; while it is not to be forgotten, that this is not the return of English money to England. Whatsoever be the expense of the Indian establishments, the funds for them are all furnished from Indian sources. The supplies from England to India, mentioned in a former part of this detail, are only advances made by the Honourable Court, chiefly in stores and other articles of consumption, which are repaid by India. An argument founded on this consideration would not be valid, if urged against any sound objection to the expense of the establishments, as wasteful or abusive. I know not on what ground the charges could justly be so represented. The numerical strength of civil servants has been regarded by every one who has considered the subject, as far short of what the service demands. The scale of the military force has not been hastily or carelessly determined. It is not in India merely necessary to measure the degree of force requisite to guard against the possible ebullitions of a population, and generally an armed population, which I believe to equal that of all Europe. It is indispensable to have stations throughout that wide expanse, which may assist the Native Princes in the control of their own soldiery, and thus enable them to fulfil their engagements, of keeping the roads in their respective dominions free from robbers; a burthen for which we are amply compensated, by the activity and security of a trade productive to us in a variety of ways. The main consideration, however, still remains to be explained. There is in India a numerous class, by descent and by habit from early youth, professedly devoted to a military life. Individuals of this body rarely, and in small numbers, find means of subsistence in other situations, such as, according to the prejudices of the country, they can fill without disgrace. It is policy, nay more, it is economy, to have an adequate opening for the employment of such a proportion of the men in question, as that the residue, which cannot be taken into pay, may not be liable to form any where connexions requiring exertions and expenditure for their dissipation. The particulars which must determine the desirable extent of force are so complicated and fluctuating, that the point should visibly be left to the prudence of the local Government. When the Honourable Court pressed military reduction upon me, I could only say that, with an ample force, I could ensure to the Honourable Company a revenue yielding a large surplus: should the force be rendered incompetent, I could not answer for satisfactory results in any shape. My notion of the proper scale may be erroneous, but the issue has not been unfavourable.

No one can be blind to the circumstance, that the magnitude of a force wholly supplied with arms, clothing and equipments, by the British manufacturer, involves somewhat of an intelligible set-off against the abstract objection of its burthen on the Indian finances. The quality of that objection, however, is not precisely comprehensible. If it be said that, on the present footing, the large provision for the army intercepts sums which might otherwise augment the dividends, I should conceive that the Proprietors would not be much disposed to risk their actual advantages, upon the hazardous experiment of diminishing the force, by which advantages of such extraordinary present amount are now secured; and the individuals interested are the most likely to form a salutary judgment on their own concerns. Should it be said that, by the expenditure, the Honourable Company is insomuch the less able to discharge the territorial bonds due to the English creditor, the reasoning would, in the first place, gratuitously and improbably assume, that with a scanty force, an equal accumulation of surplus would be forthcoming to answer the debt: but I appeal to the proof already given, that every one of those creditors who wished for the liquidation of the bonds possessed by him, might have had them discharged immediately. The case, indeed, is hardly imaginable, that an individual would desire payment at par from the Company, when by exchanging his old bond for a new one he could, on the same day, sell his security at a great premium. Thence the instances in which the new bonds were not accepted have been simply those, where time was allowed for reference to a creditor in Europe, who had not left with any agent powers applicable to such a contingency. Every bond that was purchased ten years ago in the market, and was transferred as above, became and remains worth a fourth more than was paid for it when so bought. This part of the subject cannot be dismissed without observing, that it is idle to regard as embarrassing, a debt which scarcely exceeds one year's income of the state; the interest of which, consequently, bears so small a proportion to that income, as to render the provision for it a matter of no possible inconvenience. The invariable condition of the loans leaves discharge of the capital entirely dependent on the will of the Honourable Company, so long as the interest shall be punctually paid at the fixed periods.

I have been solicitous to show, that there was not any thing questionable in the stability or affluence of the Honourable Company's finances, because an unsoundness in that respect would detract from the value which I ascribe to India as a portion of the British empire. No such doubt being rationally admissible, every statesman must surely perceive, how many of the European sovereigns are held seriously in check, by the powerful armies which it is now known India could rapidly despatch against their possessions. The situation, if it be duly considered, makes the command of so large a disposable force no inconsiderable ingredient in our national strength. From the relaxation of prejudices among the sepoys, that force is not to be deemed available for contiguous objects alone, but is transportable by sea to distant parts of hostile dominions. Should it be imagined that, while India contains those means of offensive operations, it may, on the other hand, be exposed to insurrections or invasion, which would forbid the embarkation of these troops for prolonged enterprize, I answer, that experience in times far less tranquil than the present, repels such an assumption. Remembrance that an Indian army actually exhibited itself in Egypt, must satisfy every one how readily applicable that force is to remote purposes. Were it even granted, that

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the sending those troops up the Red Sea was done at some risk to the territories whence the army was drawn, I would say, whatsoever might have been the case then, no danger is conceivable now. As to internal commotion, its nature could not be apprehended, as passing at the utmost some unconnected attempts at assemblages for the purpose of plunder; an evil which would be provided against by the enrolment of irregular levies, for the time during which the disciplined force should be absent. As to attack from abroad, the intention must be long previously discovered, so that India could not be found unprepared. The project would be futile, did it not embrace the calculation of dispositions and ability in the inhabitants of India, to facilitate the undertaking. Such an expectation would, in the existing position of affairs, be groundless. Had any Native Prince the wish to abet a foreign assailant of our territory, his indulgence of the propensity would be utterly insignificant. There is not a chief liable to the suspicion of doubtful inclination, who is not surrounded by warlike states, bound in the strictest compact to us. The nullity of formal conditions, when opposed to strong impulses of frowardness or temptation, is not overlooked by me; but the feudatory states have become so, through their own solicitation, on terms principally offered by themselves, and from speculations of benefit which our Government has been active in realizing to them. There is nothing humiliating in the relation, since a paramount power in India has been for centuries a notion so familiar, that the existence of such an authority appears to the natives almost indispensable. This confederation of the feutory states extends in an unbroken chain quite to the Indus. There is not in the vicinity of that river's left bank any tribe from which an invader could look to encouragement. On the contrary, the attempt of any secondary column to pass that river where its stream is united, and thereby to distract attention from the main body, which would hold a more northerly course, could not fail to experience serious and persevering obstruction from an energetic people. I repeat, that I am not relying on the articles of a treaty: my confidence is in a clearly understood identity of permanent interest, for which no foreign power could hold forth an equivalent. There is, however, in India a principle capable of superseding the most thorough conviction of interest, or even the strongest personal wishes. Certain acknowledged public obligations are held by the Native Princes so binding on what they call their "Hoonnut," or plighted honour to society, that no consideration can induce them to falter with the constructive pledge. Among these were the professed, though antiquated dependencies on the house of Timour. The sovereign of Oude was the nominal vizier of the Mogul empire. It must be obvious that, should any European potentate aim at the subversion of the British establishment in India, it would not be with so absurdly extravagant a hope as the succeeding to a similar domination. To reduce Britain's strength by depriving her of such sinews as India affords, would be the purpose, and the projected course for effecting it would be the exciting some powerful sentiment in India against us. Perhaps the only pretence which any forecasting enemy can have imagined, likely to waken sensation, would be the restoration of efficient rule to the house of Timour. While such a war-cry would have been a call on the fealty of the sovereign of Oude, as professedly vizier of the empire, the claim upon him would have had the additional force of an ostensibly Mahomedan cause. To break ties which might eventually be so injurious to us, appeared to me of the highest importance. Though Oude had not any army, since our subsidiary force supplies the place of one for the defence and interior regulation of the country, that territory required careful attention in a military view. The country contains six millions of inhabitants, every adult male of whom is provided with arms and habituated to the use of them. The force, howsoever irregular, capable to be thence in the rear of the army with which we were meeting the invader on the frontier, was a subject not to be revolved without anxiety. The knowledge of an insurrection behind them, to an extent which could not be ascertained, as our communication with the Lower Provinces would be precarious and interrupted, if not wholly cut off, would unavoidably agitate the minds and diminish the confidence of the advance troops. I had often ruminated on that chance. I thence eagerly availed myself of a mortification, which I could perceive the Nabob Vizier felt acutely, from its having occurred within my sight. Two brothers of the King of Delhi resided at Lucknow, supported by allowance granted partly by the Honourable Company, partly by the Nabob Vizier. Notwithstanding their partial dependence on the latter for subsistence, etiquette assigned to those princes a decided pre-eminence; insomuch, that when the Nabob Vizier met either of them in the street, it was incumbent that the elephant on which he was riding should be made to kneel, in token of homage. It was to an occasion of this sort that I have just alluded: I caught at the opportunity of saying to the Nabob Vizier, that to continue such demonstrations of inferiority must rest with himself alone; for the British Government did not require the manifestation of such submission to the Delhi family, and had itself dropped those servile forms with which it had heretofore unbecomingly complied. Having reason to think that this instigation would work upon the Nabob Vizier's reflection, I directed the resident to watch and encourage any apparent disposition in that prince to emancipate himself. The mode which would naturally suggest itself to the Nabob Vizier, as being the only one sufficient to account satisfactorily to India at large for his rejection of future prostration to the house of Timour, was his assumption of the kingly title. It was likely that he would distantly sound the resident on the subject; I therefore instructed the latter, that were any supposition of the sort hypothetically thrown out, he should seize it, and bring it immediately to a distinct understanding, intimating his persuasion that the British Government would readily recognize such a title, if assumed by the sovereign of Oude, provided it made no change in the relations and formularies between the two states, or altered the manner in which British subjects, permitted by our Government to visit Lucknow, had hitherto been received. The expected procedure soon took place.

place. The sovereign of Oude's assumption of the title of king was treated by the court of Delhi with undisguised indignation. The offensive animadversions were keenly resented by the court of Lucknow, and an irreparable breach between the two Mahomedan states is avowed. Had it not been for this public reparation, and the renunciation of all connexion, the sovereign of Oude might on some day have proved himself, contrary to his most earnest wish, involved in warfare against us, by the general sense of his nobles as well as by the prejudices of his people. While the hostility of the country would have had the inconvenience which I have already described, the character of the sovereign, admirable for uprightness, humanity, and mild elevation, would have bestowed colour on the adverse cause, and his treasures might have been efficaciously employed in the payment of troops assembled against us in other quarters. To have contributed towards parrying this contingency afforded me extraordinary satisfaction; for at that period there had not been sufficient lapse of time to prove that the new arrangements in Central India were so perfectly fixed, as to make all contemplation of extraneous hostility indifferent.

There is not now any inconvenience in exposing these details. Our internal domination is firm, from its standing on the surest of all bases, the conviction prevalent among the natives (with exceptions so few as not to weigh against the meaning of the general assertion), that their own comforts are inseparably interwoven with it. In the profession of this sentiment, no sovereign is more strenuous than the king of Oude. His sagacity would immediately have discovered, in our encouragement of the line he was disposed to take, any selfish design of misleading him into the sacrifice of his own solid interests for our advantage, and he would have quietly defeated the project. On the contrary, he felt that relations with the house of Timour must be as illusive, with regard to eventual support, as they were humiliating in their immediate accompaniments; and he justly comprehended, that he best consulted his dignity, as well as his direct gratification, by declaring his kingdom, as he has done in a letter to our sovereign, to be a spontaneously attached dependency on the British empire. This leaning to intimate union with us has been produced in the minds of the Native Princes by a plain and natural policy on our part. Heretofore we had been too prone to assume an air of superiority revolting to them. It was not the disposition of our functionaries in the Mofussil, as the parts beyond the city of Calcutta are termed; for in numerous instances the urbanity of the individuals counteracted the mischief of an erroneous system. A conception had been entertained by our Government, that reserved manners, and a tone of dictation would impress the natives with a wholesome notion of our power, and would bind them to unquestioning acquiescence in our will. There was, further, a confused opinion, that what is regarded in Europe as the law of nations was not pleadable by states in amity with us, still less by those in alliance, where considerations of ours suggested authoritating interposition, provided the interposition observed essential justice, a qualification very liable to mistake, when the essential justice was to be determined only by our view of the particular case. Undoubtedly, measures must be squared according to junctures, and to the habits of the society in which they are intended to operate; and it would be an unfair conclusion, that the facilities which presented themselves to me for the trial of a different principle existed at the dates to which I refer. Whatever were the causes of failure, the expectation of extensive influence over the natives had been disappointed. They had been subdued, but not conciliated. It was, therefore, desirable to see what might be done by abstaining from any conduct which could unnecessarily wound the pride of a chief, or disgust his followers. To extinguish the jealousy of the chief, by paying public respect to his station and upholding his authority, was to secure not his attachment alone, but that of his subjects, who felt their own pride trampled upon in his degradation. I therefore pointedly enjoined the strictest observance of polite and unassuming demeanour, on the part of our functionaries, towards those rulers, with courtesy to the better classes of the people and kindness of manner to the lower. Still more particularly, I directed that, unless where especial provision in a treaty had secured to us a right of intervention, no interference should be attempted with the ordinary course of government in any state; that there should be even an affectation of avoiding to notice what was going forward in the interior administration of affairs, it being sure that, in cases of embarrassment, the native ruler would apply to the British functionary, when he could do so without incurring in the eyes of his people the appearance of subjection. The expediency of that inculcation, as well as the generous alacrity with which it was obeyed, is evinced by the singularly rapid subsidence of all Central India into complete tranquillity, after a convulsion which had terminated in such unprecedented alterations. I had, indeed, to reckon on the most energetic assistance in my views from both the civil and military servants of the Honourable Company, because my plan was in exact consonance to their inclinations. Such a tone towards the natives was what the heart of each of them would have warmly prompted. I could not forgive myself, were I to let slip such an opportunity of rendering to the Honourable Company's servants that testimony which they have proudly merited from me. No body of men, taken generally, can be more high-minded, more conscientiously zealous, or more rigidly intolerant of any turpitude among their fellows. With these fundamental good qualities, they naturally felt pleasure in indulging a benign and conciliatory address towards the natives. I had but to sanction the propensity, by declaring that Government comprehended its wisdom not less than its humanity. The effect from these measures has been of late so visible throughout the country, that no man will be found to doubt it, or to hesitate in saying whence it arises. Reckoning thus that it is the equity and amenity experienced from us by the natives which so sways their adherence, I cannot be wrong in representing the circumstance as creditable to British reputation. And the internal tranquillity, for the permanence of which such a style of intercourse is a satisfactory gage, assures to our country so unreserved a command over the

II.

Lord Hastings' Summary.

resources of India, as will justify the statement, that augmented advantage to Britain has resulted from the recent transactions. The simple principle upon which I acted continued in full efficacy when I quitted India; and I cannot apprehend that, after such proofs of its beneficial consequences, it will ever be abandoned.

As to myself, I can readily imagine that I may not have adequately improved openings which fortune presented; that I may not have achieved all the salutary purposes which the devoted gallantry of the troops at my disposal would have enabled me to secure; that I may not have attained ends profitable for the Honourable Company, with as little hazard or expenditure as would have attended their acquirement in hands more skilful. But it is not a claim of ability that I am maintaining: my engagement was to defend and promote, to the best of my capacity, the concerns with which I was entrusted. I have sought to show, that in a crisis of unparalleled complication, extent, and difficulty, the exertion in which the fulfilment of my obligation consisted was not forborne. The issue will bear out my pretension; for the settlement of such a violently disturbed mass will never be referred to chance, but will be attributed to efforts which, howsoever they might be deficient in judiciousness, must have been anxiously pondered, consistent, and indefatigable.

(signed) *Hastings.*

Aboard his Majesty's Ship, Glasgow,
5th April 1823.

III.

CALCUTTA CIVIL FINANCE COMMITTEE:

Their Appointment, with certain of their Reports; and Minutes, &c. of Government thereon.

III.

Calcutta Civil FinanceCommittee.

(3).—MINUTE by Lord *William Bentinck*, the Governor-general of *Bengal*, dated 7th October 1828.

Several circumstances of late have strongly confirmed an opinion which I had been disposed to entertain, that much good might arise from a general review of the expenditure and establishments of the three Presidencies.

The circumstances to which I allude are,

1. The accidental discovery of an excessive establishment of military cattle under the Presidency of Fort William.

2. The discovery, arising out of a reference to the Governor in Council of Bombay, in consequence of the preceding fact, that at that Presidency there exists *no* establishment of public cattle.

To a similar reference made to Madras we have received no answer, but it is not improbable that there a different system may obtain.

3. The accidental discovery, only in the last Council, that an expense of 5,000 rupees per mensem is, and has been for very many years, uselessly expended, as an allowance for the maintenance of six bullocks for the carriage of spare arms.

I use the word accidental as contradistinguished from results produced by positive inquiry and investigation. These and many other items of expense in all departments have come to the notice of the Government as it were by chance only, and when so presenting themselves have always undergone immediate inquiry and reduction when expedient.

If such large and unnecessary charges are thus accidentally brought to light, I think it fair to infer that a committee, appointed expressly for the purpose, might unfold many other useless charges, and might suggest alterations calculated to produce a great saving of expense, as well as unity and efficiency in the general administration.

My idea is that such an inquiry would be most advantageously conducted by two Committees, one civil and one military, composed of three members, one from each of the Presidencies, to sit at Calcutta. It is by comparison between the establishments of the three Presidencies, and in some degree, perhaps, in the spirit of rivalship existing between separate bodies, that we can hope to arrive at true conclusions. We cannot, as in the appointment of the Finance Committee in England, select individuals of perfect independence, and free from all personal bias in the subjects under consideration; here the selection is necessarily confined to the service itself.

In some respects it would be more convenient and economical for each Government to conduct an inquiry by a committee formed of its own servants, but to my judgment a single combined committee would be far preferable; because, besides the greater degree of impartiality and earnestness which men may be expected to show who are not under the influence of local feelings and prejudices, and whose labours may come under the review of the Legislature itself, there is this other great advantage, that in no other way can the charges and establishments of the three Presidencies be brought to the test of fair comparison and impartial revision.

It is of course my intention that the Governments of the several Presidencies should choose their own men.

In so far as this Presidency is concerned, we shall, I hope, be able to provide members for the committee without incurring any considerable charge; the selection of them had better, I conceive, be postponed until we know upon whom the choice of the Governments of Madras and Bombay has fallen. They will probably select gentlemen holding high substantive appointments, which they shall retain during their deputation to this Presidency; and

and we must necessarily be prepared, besides finding them a passage to and from Bengal, to allow them such an additional income as shall liberally compensate for any expenses to which they may be subjected. The precise amount we need not determine in anticipation of the appointment of the individuals.

(3). Minute of Lord William Bentinck; 7 October 1828.

The committees will of course entertain the necessary establishments of clerks, &c. after they have met here. But the members deputed from Madras and Bombay will naturally be directed to bring round with them such accounts and statements as may obviate the necessity of a frequent reference to those Presidencies for information contained in the public accounts and records; and they should also, I conceive, be vested with a discretion of bringing with them one or more of the subordinate officers attached to the offices of audit and account, in the event of their deeming the attendance of such persons in the committee likely to be useful.

As to the instructions under which the committee shall act, it does not appear to me to be necessary to enter at present upon any detailed explanation.

Should the Board concur with me as to the expediency of the general plan, the first step will be to request the Governments of Madras and Bombay to select the gentlemen to be deputed from those Presidencies, and to instruct them to proceed hither with the least practicable delay.

(signed) *W. C. Bentinck.*

The Board concurring in opinion as to the expediency of the arrangement proposed in the above Minute, resolved that the following letter be addressed to the Governments of Madras and Bombay respectively.

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(4).—CIRCULAR LETTER from the Government of *Bengal* to the Governments of *Madras* and *Bombay*, dated 10th October 1828.

(4). Circular Letter from Bengal, to Madras and Bombay; 10 October 1828.

Territorial Department, Finance.

Honourable Sir,

In considering the means of effecting that economical revision of the expenses of British India which the state of our finances urgently presses upon our attention, it has appeared to us that very great advantage would result from the appointment of commissioners specially authorized and required to make a full and detailed inquiry into the establishments entertained and charges incurred in all branches, civil and military, of the administration of the different Presidencies, with the view particularly of unfolding all items of expense uselessly incurred, of exhibiting those which may admit of retrenchment with the least public inconvenience, and of suggesting such alterations as may appear calculated to secure to the utmost practicable extent, unity, efficiency and economy in the general management of public affairs.

2. It appears to us that such an inquiry would be most usefully conducted by two committees, one civil and one military, composed of three members, one from each of the Presidencies, to sit at Calcutta; and we have therefore to request that you will have the goodness to proceed, at your earliest convenience, to select a civil and military officer of suitable experience, rank and character, to take their place in the projected committees on the part of the Presidency of ~~Fort St. George~~ Bombay, and that you will instruct them to come hither with the least practicable delay.

3. Should your choice fall upon any gentleman not holding a substantive appointment, we propose to assign to him such a salary as may appear suitable to the labour, importance and responsibility of the duties which the members of the committee will have to perform. We consider it likely, however, that you will select gentlemen already holding high office under your Government; and in that case we beg to recommend that they may still be continued in the situations which they hold, a temporary arrangement being made for the discharge of their duties during their absence. They must of course be provided with a passage to and from Bengal; and we are prepared to assign to them such additional income as shall liberally compensate for any expenses to which they may be subjected in consequence of their deputation.

4. You will naturally direct the gentlemen whom you may appoint to the above duty to bring round with them such accounts and statements as may be necessary to obviate a frequent reference to your Presidency for information contained in the public records, on matters falling within the scope of their inquiries. And we would also beg to suggest to you that they be vested with a discretion of bringing with them one or more subordinate officers in the departments of audit and account, in the event of their considering the attendance of such persons on the committee here likely to be useful. The requisite establishment of clerks, &c. will of course be entertained here after the committees shall have met.

5. It must be altogether unnecessary for us to say a word as to the importance of the objects which we now contemplate; and we feel a confident assurance of meeting your hearty co-operation towards the successful accomplishment of them.

We have, &c.

(signed) *W. C. Bentinck.*
W. B. Bayley.
C. T. Metcalfe.

III.

Calcutta Civil Finance Committee.

(5).—RESOLUTION of the Governor-general in Council at *Bengal*, in the Territorial Department; dated 25th November 1828.

In the expectation that the members of the Civil and Military Finance Committees, whom the Governments of Madras and Bombay have selected in furtherance of the Resolution of the 10th ultimo, may be expected to arrive in Bengal at an early period, the Governor-general in Council proceeds to consider, First, What officers shall be appointed as members for this Presidency; Secondly, What further arrangements shall be made for giving to the committees the utmost practical degree of efficiency; and Thirdly, What instructions shall be issued for their guidance in the prosecution of the important duties to be confided to them.

2. On the first head, the Governor-general in Council resolves that the Secretary of Government in the Territorial department shall be the member of the civil committee; and for the military committee, his Lordship in Council deems it proper to select Brigadier C. P. Wilson.

3. In considering the second of the points above stated, it appears to his Lordship in Council, that the weight and authority of the committees will be greatly augmented, and other important advantages secured, by their acting under the superintendence of the members of the Supreme Council, one giving his attention to the civil and the other to the military committee; his Lordship in Council accordingly resolves that Mr. Bayley be solicited to undertake the superintendence of the civil finance committee, and that Sir Charles Metcalfe be similarly requested to superintend the military committee.

4. It is not of course designed to cast upon the members of Government any part of the labour of research, which will be necessary for the ascertainment of the facts upon which the committee will have to report; that will be the duty of the members; and his Lordship in Council does not contemplate the necessity of Mr. Bayley, or Sir Charles Metcalfe's taking any share in their deliberations, though they will naturally maintain such a degree of communication with the committee which they respectively superintend, as may be necessary for the purpose of removing any difficulties which they may meet with, or any doubts they may entertain as to the general views of Government.

5. The Governor-general will himself watch with an anxious interest the progress of both committees, under a strong sense of the importance of the objects to which their labours are to be directed, and a cordial resolution to give his most strenuous co-operation towards their successful accomplishment.

6. It appears to the Governor-general in Council, to be necessary that each of the committees should have an officer of ability attached to them as secretary, and his Lordship in Council accordingly resolves, that Mr. P. M. Wynch, deputy secretary to Government in the Judicial department, shall be secretary to the civil committee, and that Major W. Kennedy, first assistant to the military Auditor-general, shall be secretary to the military committee.

7. The arrangements to be adopted consequently upon the appointment of Brigadier Wilson, Mr. Mackenzie, Mr. Wynch and Major Kennedy, as above, will be separately considered.

8. Each of the committees will of course require a separate office: to the civil committee the Governor-general in Council resolves to assign the house now occupied by the superintendent of stamps, which is about to be vacated by that officer.

9. The military committee will hold their sittings in the Government-house in Fort William, which his Lordship has been pleased specially to assign to them.

10. With respect to the instructions under which the committees are to conduct their inquiries, his Lordship in Council has, in the first place, to repeat the general exposition of the design of Government in the institution of them, as explained in the letters addressed to the Governments of Madras and Bombay: it was therein announced that the committee should be "authorized and required to make a full and detailed inquiry into the establishments entertained and charges incurred in all branches, civil and military, of the administration of the different Presidencies, with the view particularly of unfolding all items of expense uselessly incurred; of exhibiting those which may admit of retrenchment with the least public inconvenience; and of suggesting such alterations as may appear calculated to secure, to the utmost practicable extent, unity, efficiency and economy in the general management of public affairs."

11. In pursuance of this principle, it is the desire of his Lordship in Council that the civil committee should, with the following restriction, enter on a complete comparative revision of the establishments entertained in the several departments of the civil branch of the Government at the three Presidencies, the object being, as far as can be done without an inordinate delay, to see that not a man is entertained who is not wanted, that all who are wanted are employed to the best advantage, and that not a rupee is uselessly or unnecessarily expended.

12. The constitution of the several governments, and of the King's courts, having been fixed by law, it is not intended that the committee should enter upon inquiry in regard to it.

13. The number of political residencies and agencies to be maintained for the conduct of affairs, arising out of the political relations of the British Government with foreign states, is likewise a matter to which it does not appear that their inquiries could with advantage be extended, though the revision by them of the subordinate establishments attached to each of those officers will be proper and useful.

14. The commercial branch of the Honourable Company's affairs, it appears to his Lordship

ship in Council desirable to reserve for special consideration; as to the ecclesiastical department, the committee can only notice the general financial result for the consideration of Government and the home authorities.

15. In regard to all other civil establishments, in the general, judicial, revenue, (all branches included) and marine departments, it is the desire of his Lordship in Council to leave the committee altogether free to push their inquiries to the utmost extent to which they may consider it necessary or expedient to carry them, with the view of securing unity, efficiency and economy in the establishments maintained, and arrangements made, at the several Presidencies.

(5). Resolution of Bengal Government; 25 November 1828.

16. The committee will also particularly inquire into and report upon arrangements adopted at the several Presidencies, for providing the accommodation required for the public offices, and generally as to the course pursued in regard to the construction and repair of public works and buildings belonging to the civil departments.

17. They will likewise direct their attention to the expenses incurred on account of travelling charges, deputation allowances, diet of prisoners, and all items of contingent disbursements susceptible of check. And in all branches of civil expenditure, they will investigate the system of pay, audit and account followed at the different Presidencies, with the view particularly of seeing whether forms can be simplified, whether better checks can be used, and whether adjustments can be expedited.

18. The Committee will of course carefully consider how far the emoluments assigned to the several offices which come under their review, whether held by European or native officers, are adjusted on proper and equal principles, noticing any that may appear to be excessive or inadequate; specially adverting to all differences that exist in the scales established at the several Presidencies, and examining the reasons of them.

19. They will also, if they see advantages in the measure, consider themselves to be fully authorized to frame and submit to Government an entirely new scale of allowances for the different offices in the several departments of the three Presidencies respectively.

20. As to a reduction of allowances on the grounds of any general financial pressure, such a measure, should the necessity unfortunately arise, it will belong to Government to originate. His Lordship in Council trusts that the labours of the two committees may tend essentially to avert such a catastrophe, and they will contemplate the possibility of its occurrence only as a stimulus to exertion in the work of introducing every practicable economy in the expenditure of the public money; an economy distinct alike from the retrenchment which necessity might enforce, and from the parsimony which would husband the resources of a country by denying the means of defence, or the instruments of good government.

21. There is indeed one mode of reducing the aggregate allowances of the general body of civil functionaries, on which the Governor-general in Council will be most happy to receive the suggestions of the committee, viz. that which will result from the consolidation of offices needlessly divided, and the substitution of native for European agency in the management of details; supervision, direction and control remaining with the latter. His Lordship in Council is particularly desirous of receiving the fullest possible information as to the success of employing native agency in the three Presidencies.

22. In considering the different establishments entertained at the three Presidencies, the committee may probably have forced upon them questions relating as much to the means of improving the judicial and revenue administration, as to the immediate matter of regulating the public charges.

23. The Governor-general in Council will leave it to the discretion of the committee to determine, under the general instructions now conveyed to them, how far they will enter upon the examination or discussion of points of the first description. They will understand that it is not the design of Government to impose upon them the duty of examining the subject of taxation and civil government as applicable to India in its general bearings, and on the other hand, if it shall appear to them that the more general adoption of any measures partially pursued is likely to enlarge the public income or otherwise to prove advantageous to the public interests, his Lordship in Council will expect to receive from them a communication of their views and sentiments.

24. There is one important item of establishment, which partakes partly of a civil and partly of a military character, and in regard to which more than ordinary diversity of scheme will apparently be found to prevail at the different Presidencies. His Lordship in Council refers to provincial battalions, Nujeeb and Sebundee corps, irregular horse and other armed footmen and horsemen, maintained by or for the immediate use of the civil authorities.

25. In respect to these, it will probably be found to be desirable for the two committees to communicate together, that the precise effect of substituting such a force for regular troops, and *vice versâ*, may be fully developed, and that the systems pursued at the several Presidencies may be accurately contrasted.

26. The object of employing the cheapest description of establishment, in all cases in which it may appear likely to be equally efficient, or in which the advantage of more expensive description is not such as counterbalances the excess of charge, will of course be constantly kept in mind in this as in all other parts of the committee's investigation.

27. The military committee will of course be guided in their proceedings by the same general principles as are prescribed for the civil committee, in so far as they may be properly applicable to both branches.

28. With a few exceptions, it is the desire and expectation of Government that their inquiries should embrace all matters connected with military finance.

29. As to the strength and distribution of the three armies, these are questions which

III.

Calcutta Civil Finance Committee.

must necessarily depend on circumstances of a temporary nature, and of which the decision must belong to the Government and to the Commander in Chief.

30. So likewise the general constitution of the Indian army is a point which his Lordship in Council does not propose for the consideration and discussion of the committee, further than may be unavoidable in the development of financial results. But the committee will be expected fully to consider and report how the public charges could be advantageously reduced by employing the troops of Bengal or Madras to occupy any of the stations now assigned to those of Bombay or Bengal, or Bombay troops in lieu of those from Madras, or *vice versâ*, substituting one description of force for another.

31. They will also revise the scale of pay and allowances assigned to the several ranks in the different branches of the three armies respectively (European and Native); examine the reason of differences, and suggest, where it shall appear to be expedient, equalization, increase or reduction.

32. They will similarly enter on an examination and comparison of the staff of the three armies, with a view to equalization and the retrenchment of any thing that is unnecessary.

33. As to the other numerous heads of inquiry which the committee's labours will embrace, his Lordship in Council deems it almost sufficient generally to enumerate those that immediately occur to him, it being in this, as in the civil department, understood that as far as time and circumstances will permit, his Lordship in Council would wish the committee to push their inquiries so as to ascertain how every man borne on the public rolls is employed, and how every rupee issued from the public treasuries is appropriated, in so far as may be necessary to see (or to suggest measures to the end) that not a man may be paid for who is not wanted, that all who may be paid for are employed to the best advantage, and that no expense is uselessly or unnecessarily incurred.

34. They will bring under review the whole scheme of the commissariat in its various branches, including the procurement, maintenance and disposal of the public horses, bullocks, elephants and camels.

35. They will investigate the details of the stud department, and the public cattle farms.

36. They will inquire into the mode of conducting the several agencies for the manufacture of gunpowder, for the construction of gun-carriages, and for the provision of timber.

37. They will inquire into the supply, distribution, custody and disposal of ordnance, camp equipage, arms, accoutrements, and all kinds of military stores.

38. They will consider and report upon the system pursued in regard to the construction and repair of public buildings; and they will ascertain how far all public buildings, maintained in the military department, are necessary or useful, or might be advantageously abandoned or curtailed.

39. The employment of troops in civil duties, or in duties not necessarily belonging to a camp, garrison, or cantonment, and the means of economizing guards, escorts and sentries in all quarters, will be carefully investigated and considered by them. On the first point they will communicate fully with the civil committee.

40. They will consider and report upon the system of recruiting, discharging, pensioning and invaliding pursued at the several Presidencies. Should any plan occur to them for providing economically in peace the means of rapidly meeting the exigencies of war, they will prosecute the inquiry and report the result.

41. They will carefully investigate the system of pay, audit and account (muster is of course included), to see whether better checks cannot be applied, whether forms cannot be simplified or improved, whether adjustments cannot be expedited, and whether Government cannot be saved from the risks, and individuals spared the annoyance, incident to every needless delay in the settlement of accounts.

42. They will go through the several establishments mentioned below, and ascertain and report how far they are efficient and economical in their general constitution and in their subordinate details: the Military Board, the Auditor-general's Office, the Adjutant-general's Department, the Medical Board, with all the establishments entertained and arrangements made for affording medical aid under their direction or control; the Clothing Board, the Orphan Institutions, the Judge Advocate's Department, the Surveyor-general's Department, and other branches of the general staff, the staff of corps and their subordinates, servants, workmen, labourers, cattle, contingencies.

43. They will inquire and report on the subject of boat and other travelling allowances, batta, rations of provisions or spirits, or money compensation in lieu thereof; the management of bazaars, and generally all points affecting the military charges, not specifically excluded from the scope of their investigation, in so for as may be necessary to secure consistency and economy in the establishments entertained and arrangements made at the three Presidencies.

44. In inquiring into the affairs of the Medical Department, should the committee desire to have the services of a medical officer as secretary, his Lordship in Council will be prepared to accede to any arrangement they may suggest for the purpose.

45. As to the powers to be vested in the committees, civil and military, for obtaining the information they require, his Lordship in Council deems it sufficient to state, that they are to have free access to all public accounts and other documents which they may desire to consult, and all public officers at the three Presidencies will be expected to afford the committees the fullest information they may be able to convey on the matters on which they may be interrogated. Officers stationed at or near the Presidency of Fort William, will be prepared to communicate verbally or in writing, as may be deemed by the committee to be

most

most convenient. Should the committee desire to communicate personally with any officer not stationed at or in the immediate vicinity of the Presidency, they will report the circumstance to Government.

(5). Resolution of Bengal Government; 25 November 1828.

46. The committee will correspond directly with every officer they may see fit to address, without using the intervention of the heads of departments or the commandants of garrisons and corps, further than may appear to them proper.

47. Any neglect of or inattention to the references of the committees, will be immediately reported to Government.

48. The committees will communicate to Government the result of their deliberations in respect to the several departments and officers subjected to their revision, in separate reports, following, where not inconvenient, the order of their instructions; and if they light upon any item requiring change, of sufficient importance to merit distinct notice, they will of course consider themselves at liberty to bring it to the notice of Government without delay.

49. The committees will respectively authorize their secretaries to entertain such an establishment of clerks and other servants as may be indispensably necessary, charging for the same in monthly contingent bills.

50. To the members of the committees who have been called from the other Presidencies, his Lordship in Council resolves, in pursuance of the resolution of the 10th ultimo, to assign an allowance of *s. rs.* 1,000 per mensem, to take effect from the date of their arrival at the Presidency.

51. Brigadier Wilson will be authorized to draw, as a member of the committee, the sum of Sicca rupees 1,000 per mensem, to take effect from the date on which he may arrive at the Presidency, besides such a further allowance as shall compensate any loss to which he may be unavoidably subjected by relinquishing his command.

52. To the secretaries of the committees, Mr. Wynch and Major Kennedy, his Lordship in Council resolves that an extra allowance of rupees 500 a month shall be granted; to take effect from the date on which they may be directed to enter upon the functions of their respective offices.

53. The expenses of the committee are to be charged to the financial department, and their bills audited by the civil auditor.

54. The appointment of the committees must of course be notified to all public functionaries with whom they are likely to communicate. The necessary measures for that purpose will accordingly be taken without delay in so far as concerns the territorial departments.

55. Ordered also that a copy of the letter addressed to the Governments of Fort St. George and Bombay, on the 10th ultimo, and of the above resolution, be sent to the several departments of Government noted in the margin, that the necessary subsidiary instructions may be issued; and particularly that arrangements may be made in the military department for directing and enabling Brigadier Wilson to proceed to the Presidency as soon as possible.

Genl Department.
Judicial Ditto.
Secret & Political Ditto.
Military Ditto.
Persian Ditto.

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(6).—Extract LETTER from the Calcutta Civil Finance Committee to the Governor-general in Council, dated 1st October 1829.

Observatory at Madras.

(6). Letter from Committee on Observatory at Madras; 1 October 1828.

3. This Observatory was established in the year 1790, and since that period the observations made have been regularly recorded, tables of them being transmitted to the Honourable Court of Directors, and to the Astronomer Royal. The results appear to have been satisfactory to competent judges; and the institution besides contributing to the general purposes of astronomical science, is stated to have had a peculiar value in its relation to the grand trigonometrical survey. It is also useful as affording navigators the means of ascertaining the rates of their chronometers.

4. On the whole, adverting to the advantage of having at least one Observatory in this part of the globe, believing the position of the Madras Observatory to be favourable, being informed that the Honourable the Court of Directors have recently sent out for its use some valuable astronomical instruments, and perceiving that the expense of the institution is moderate, we beg leave to submit our opinion that it should be maintained.

5. We observe, however, that, in the absence of the astronomer on leave to Europe, the institution has been placed under the charge of the Deputy Surveyor-general, who receives on that account an allowance of 350 rupees per mensem. The charge for the establishment is rupees 274..12, and the total expense of the institution, rupees 7,447 per annum. Before the departure of the astronomer, including his salary, the annual charge was rupees 11,370.

6. We are of opinion that, in the event of the astronomer at Fort St. George, Mr. Goldingham, not returning to India, or of a vacancy in that situation occurring, the appointment of an officer exclusively to perform the duties of an astronomer at Madras is not necessary,

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sary, and we would suggest that the Observatory be permanently placed under the charge of the Deputy Surveyor-general, who may be expected always to be an officer competent to the task. By this arrangement a saving would be effected of rupees 3,923 per annum. The allowance granted to the Deputy Surveyor-general, viz. rupees 350, we do not consider to be more than an adequate remuneration for the trouble imposed on that officer in superintending the Observatory.

7. The establishment attached to the institution, as exhibited in the margin*, does not appear to be susceptible of any reduction either in the number or the amount of the salary received by the individuals composing it.

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(7).—EXTRACT from a RESOLUTION of the Government of *Bengal*, dated 22d December 1829.

(7). Resolution of Bengal Government, on Observatory at Madras; 22 Dec. 1829.

UNDER the circumstances stated by the Committee, it appears to the Governor-general in Council, that it will be proper to maintain this institution, but as the Observatory has, in the absence of the astronomer, on leave to Europe, been placed under the charge of the Deputy Surveyor-general, on an allowance of rupees 350 per mensem, his Lordship in Council is of opinion, that in the event of a vacancy in the office of astronomer, it will be unnecessary to appoint a successor, and that the duties of that office may be assigned permanently to the Deputy Surveyor-general, and an allowance of rupees 350 assigned to that officer for superintending the Observatory, the establishment (amounting to 274..12 per mensem,) attached to which does not appear susceptible of any reduction.

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(8).—LETTER from the Calcutta Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 20th November 1829.

(8). Letter from Committee, on Principles of Inquiry; 20 November 1829.

My Lord,

HAVING carefully considered the documents received with Mr. Molony's letter of the 3d instant, and other papers calculated to throw light on the subject, we beg permission to submit to your Lordship in Council the following observations, and to solicit instructions upon some general questions, the decision of which will, we trust, enable us correctly to apprehend the nature and extent of the duty which Government have been pleased to impose upon us, and will facilitate our devising the most effectual and least objectionable means of discharging it.

2. In your Lordship's minute, the state of the finances of India, as established in the sketch estimate for the current year, is tried by two standards, the one that of providing an Indian surplus of two crores of rupees, the other that of reducing the Indian charges to the scale of the years 1823-24, as laid down by the Honourable the Court of Directors, in their letter of the 12th December 1827. The deficiency, according to the former mode of comparison, is shown to be rupees 1,38,40,000, and by the latter, 1,47,79,000.

3. Your Lordship in Council has resolved that the sphere of our inquiries shall be extended to every item and cause of charge without exception, and that we shall submit a clear view of the future financial prospects of India, together with the arrangements best calculated to secure an Indian surplus of two crores of rupees; and your Lordship in Council has also distinctly intimated that the primary and permanent inquiry must be not whether particular establishments and objects of public interest and utility be in themselves desirable and expedient, but in what mode the necessary reduction of the public expenditure can be effected with the smallest degree of injury and inconvenience.

4. From the terms and scope of the whole communication made to us, we infer that the Government sets out with the firmest conviction, that in the performance of the duty it has to discharge, great and unsparing retrenchment will be unavoidable, and with a correspondingly decided determination that it shall be put in force.

5. It must be scarcely necessary to observe, that the regular estimates of the year may be expected to show some abatement in the deficiency exhibited in the sketch estimate, and that the measures already adopted by Government must tend to produce a further amelioration in succeeding years. But the most sanguine calculations founded on such data would still

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	Per Mensem.
* 1 Bramin Assistant	*Rs.* 122 8
2 Ditto - ditto	87 8
Assistant Calculator and Writer	52 8
1 Lascar	7 –
Contingencies	5 4
Total	274 12

still leave so large a deficit as to render it indispensably necessary to act on the above determination, and which consequently we propose, unless otherwise instructed, to make the basis of every suggestion we may have the honour of submitting to your Lordship in Council.

6. With this conviction we beg, in the first place, to submit our opinion that the most convenient and effectual method of revision and retrenchment will be as a general rule to follow the course prescribed by the Court of Directors, by taking the charges of some former year as a standard to which those for the future are to be reduced. This mode of proceeding possesses several advantages. It presents the object to be aimed at in the most distinct possible shape; at each stage it offers us the means of definitively ascertaining the progress made towards its attainment; and it is the more authoritative for not being discretionary and arbitrary. It does not of course prevent the application of any other principle of reduction which may appear necessary or expedient to follow, and the instructions of the Honourable Court may be considered as alone sufficient to require that the method indicated by them should first be adopted.

7. For this comparison the Court of Directors have selected the year 1823-24, which has this in its favour, not only that the requisite surplus was then realized, but that our possessions in India Proper have not been subsequently extended; we are of opinion however that in many cases not affected by subsequent extension of territory, it may be preferable to take the year 1813-14, which followed the last general revision of establishments, and may be regarded as a standard fixed by the Government itself for the circumstances of that period.

8. We propose therefore, if approved by your Lordship in Council, to begin a methodical comparison of establishments and charges in every branch of the public service for 1813-14 or 1823-24 (as in each case may seem most expedient) with those for the latest year for which they have been completed; to scrutinize every material augmentation either in the items or in the aggregate, and unless it be supported on grounds of necessity, of security to the public resources, of obligations of public duty, or of very urgent expediency, to recommend it to Government for immediate reduction.

9. As it certainly will not be practicable in all cases to bring down the public charges to the scale either of 1813-14 or of 1823-24, every opportunity will need to be seized for going even below that standard; with a firm purpose to effect the great object in view, such reduction may doubtless be in many instances made in every branch of the public service without the hazard of any degree of injury or inconvenience which ought to deter Government from making it. The hazard of some inconvenience and even injury must unquestionably be incurred; such hazard is, in fact, the price at which economy is always practised, whether in public or in private life. In straitened circumstances every person of prudence advisedly increases that hazard, in order to keep his arrangements within the compass of his means. Government has only to act upon the same principle. Its expenditure has to be reduced within its income. This should be done, if possible, without trenching upon the efficiency of its establishments, the security and advancement of the public interests, or even the reasonable claims of its servants. If, as is likely, it cannot be done on such easy terms, it should then be effected at the least expense of efficiency, security, public welfare and private comfort compatible with its successful accomplishment. But although there be room for discretion as to the means of retrenchment, there is none as to retrenchment itself by some means or other; objections therefore to particular means can carry no weight unless accompanied by the suggestion of other means less objectionable. If the end cannot be otherwise achieved, then the fair expectations of the servants of Government, European and Native, the adoption or prosecution of measures of acknowledged public utility, the vigour of our establishments, and even the security of our possessions are all considerations which to such extent as may prove inevitable must be postponed to the over-ruling necessity of contracting our expenditure within the limits of our income.

10. We conceive these to be the principles by which your Lordship in Council requires the proceedings of our Committee to be prompted and governed; and if they be constantly kept in view and steadily acted upon, we trust the great work of economical reform which is required for the solvency of British India, may at no distant period be successfully accomplished. But that it may be accomplished without unnecessary delay (and every day's delay must of course in its degree aggravate the evil to be conquered), it is of much importance to simplify the proceedings of our Committee to the utmost practicable extent. The examination which we have already made of the books of establishments has been sufficient to satisfy us that of the large excess in the expenditure of the present year above that of 1823-24, a great portion consists of items each in itself inconsiderable. It is thence clear that if for every item of reduction we are expected formally to submit to Government an elaborate explanation of reasons; and if the reasons submitted by us are to be weighed and commented upon as if the adoption or rejection of what is proposed were a matter altogether optional, or one of judicial inquiry, life would be too short for the hundredth part of what must be accomplished. And, further, it is evident that if nothing is to be discontinued which cannot be proved to be mischievous or useless, independently of financial considerations, Government must sink under its burthens long before any adequate reduction can be effected.

11. We submit, therefore, that the only principle which in the present exigency can be acted upon with any show of reason is for Government absolutely to abolish all new establishments, when pointed out to them, which may not appear to be indispensably necessary; and that the burthen of proof be not in the Committee, for they must necessarily suggest many reductions which in other circumstances would be clearly undesirable, but in those who in opposing the retrenchment in the face of bankruptcy, are bound to show that it

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cannot be effected without inducing a greater evil, or to suggest some better means of adequate relief.

12. The matter, though at first sight it may seem unimportant, is, we conceive, one of considerable moment, since the progress made by the Committee must depend greatly on the spirit in which their communications are received, and if the Government were not prepared to act on the principle above indicated, but proposed to consider the propositions of the Committee apart from the overwhelming financial necessity which suggests them, we should humbly submit whether a somewhat different machinery might not better accomplish its designs. We infer, however, that Government is entirely prepared to recognise the expediency of the course of proceeding we should ourselves desire to follow, more especially because we have been distinctly instructed to regard ourselves as its confidential advisers. We feel sensibly that whoever is employed to prepare the work of general retrenchment, ought to act in that capacity, and with confident reliance upon the support of Government. It is not less essential to their efficiency that the Government should give them its confidence in return, and we take the liberty of expressing our hope that the present intimation may further be considered to imply that the suggestions which we may offer are to be between us and the Government. Measures can only be proposed by us, and have to be decided upon by your Lordship in Council; but if they are subsequently announced to the parties affected by them, with the accompaniment of our observations, they must in a great degree lose the character of authoritative acts of the supreme power in India, and still more of necessary parts of a stern system of general reduction.

13. We think it proper to take this occasion of bringing under the notice of your Lordship in Council, the very recent order of the Court of Directors, interdicting the increase of the salary or allowances of any officer, civil or military, without their previous sanction. We have inserted the order below,* and we beg leave to submit, that until the general reduction has been carried through to the requisite extent, it seems essential that no instance of any increase should be allowed, since increase, in fact, frustrates the work of reduction. One collateral advantage of such a determination would be to enlist the whole body of the servants of Government in promoting and completing the general reductions, so that the prohibition against partial increase may be withdrawn. We would therefore recommend to your Lordship in Council to pass a resolution to the foregoing effect, and to transmit it for the guidance of the Governments of Madras and Bombay, as well as act upon it invariably at this presidency.

14. We do not consider that it could be at variance with the proposed resolution to follow up the system which has already been partially acted upon of raising the allowances of some underpaid offices as others fall vacant; provided the allowances attached to them be at least in the same degree reduced, the increase is really an integral part of the resolution to reduce.

15. We beg leave further to suggest, that it might be attended with benefit if our Committee were regularly furnished with the statements which the secretaries to Government at the several presidencies were some months ago required to prepare in their respective departments, after every consultation of the Government, for the purpose of exhibiting accurately all resolutions by which the financial condition of the Government might be any way affected. Those statements would enable us to watch the progress of the measures taken for retrieving the embarrassed state of the Company's affairs.

16. The object of the present letter being mainly that of soliciting instructions, we have not thought it necessary to delay its transmission for the purpose of reference to our absent colleague.

We have, &c.

Civil Finance Committee,
20 November 1829.

(signed) *D. Hill.*
Holt Mackenzie.

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* In consequence of various instances of inattention to our former orders, we deem it incumbent on us again positively to interdict, and we hereby do interdict the increase on any grounds whatever, of the salary or allowances at present annexed to any office, civil or military, under your government without our previous sanction. No public inconvenience can be sustained from a strict compliance with this prohibition, and should, contrary to our just expectation, the salary or allowances of any officer be increased without any previous sanction, our subsequent confirmation of such increase, when reported, will be invariably withheld.

(9.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*; dated 2d December 1829.

(9.) Letter from Committee, on Contingent Charges; 2 December 1829.

My Lord,

We have the honour to report that the contingent charges * incurred in the several departments of this presidency in the year 1827-28 contrasted with those of 1823-1824, exhibit an increase of more than 12,00,000 rupees. Of this, about eight lacs of rupees consist in the enhanced value of presents given in the name of the Governor-general, of which the larger part was of course balanced by an increased receipt under the same head; but still, whether we look to the aggregate amount of the disbursements in question, or to their tendency to increase, unless narrowly watched, the matter appears equally deserving of attention. We shall, of course, progressively examine in detail the several offices in each of the departments, with the view of ascertaining, as far as possible, the particular causes which may in each case occasion the disbursement, and of considering how far it may be susceptible of reduction by general or special rules. Our present impression, however, is, that economy, under this head of charge, must mainly depend on the zeal and care of the several functionaries who are in charge of the different offices, stimulated and directed by the efforts of the controlling authorities: for though the aggregate sum amounts to nearly half a million sterling, it consists for the most part of small items, very difficult, if not impossible, to be checked, excepting by those under whose immediate eye the disbursement is made. Further, we apprehend that, generally speaking, public officers are by no means sufficiently alive to the importance of attending carefully and constantly to the object of keeping down their contingent disbursements, nor aware how much may be done with little trouble, if the necessary check be only applied in time. It occurs to us, consequently, that considerable and immediate advantage might result if your Lordship in Council were to cause a letter circular to be addressed to the several heads of offices, pointing out the importance of the aggregate charge, and urging upon each the necessity of his using his best endeavours to confine the expense incurred in his department, however apparently inconsiderable.

Adverting to the considerable amount which appears under the head of presents, (and the practice must almost certainly entail no less expense upon those who are parties to the interchange,) we would respectfully submit, that if it be the intention of your Lordship in Council that the orders recently promulgated should be applied to the head of the Government, a communication to that effect may be made to Madras and Bombay.

We have, &c.
(signed) *D. Hill.*
Holt Mackenzie.

(10).—RESOLUTION of the Governor-general in Council at *Bengal*; dated 8th December 1829.

(10.) Resolution of Governor-general at Bengal, on Contingent Charges; 8 December 1829.

The Right Honourable the Governor-general in Council having taken into consideration a Statement to Government by the Civil Finance Committee, exhibiting a comparative view of the contingent charges incurred in the several departments of this presidency, in the official years 1823-24 and 1827-28, by which it appears that the increase in those charges in the latter year, as compared with the former, amounts to no less a sum than 12 lacs of rupees, deems it proper to call the attention of all the officers under Government to the necessity of

*CONTINGENCIES.	1823–24.	1827–28.
	Rs.	*Rs.*
General Department, including Political	9,67,949	18,55,330
Judicial Department	10,52,988	14,02,968
Revenue Department	6,32,743	5,33,796
Salt and Opium	2,06,957	2,26,835
Marine	3,97,195	4,39,038
	32,57,832	44,57,967
		32,57,832
	Increase	12,00,135

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of exercising the most vigilant check and control over the contingent disbursements of their respective offices, with a view to effect as great a reduction as possible in this branch of the public expenditure.

The Governor-general in Council sees much reason to apprehend, that, generally speaking, the officers of Government have not been sufficiently alive to the importance of attending carefully and constantly to the object of keeping down their contingent disbursements, their attention may have been the less directed to the above object from the circumstance of such disbursements usually consisting of items individually of inconsiderable amount, and which can alone be checked by the timely care and vigilance of those under whose immediate eye the disbursement is made; but that the importance of the duty now enjoined may be properly estimated by the service generally, a statement of the contingent expenses incurred in the two years under review, is annexed below *, which will at once explain how necessary it is that an expenditure so large in the aggregate should be narrowly scrutinized in detail by those who alone can effectually check it.

The Governor-general in Council deems it necessary, therefore, to require that every officer in the service, placed at the head of a public establishment, will use his best endeavours to reduce the contingent charges of his office, however apparently inconsiderable they may appear to be.

(11.) Letter from Committee, on Revenue and Judicial Systems of Bombay; 3 February 1830.

(11.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*; dated 3d February 1830.

My Lord,

As we have been furnished through our third Member, with a copy of the Minutes of the Honourable the Governor of Bombay, in the Judicial and Revenue Departments, which were transmitted on the 4th ultimo to the Supreme Government by the Government of Bombay, we think it proper to lay before your Lordship in Council the accompanying copy of a Minute of Mr. Bax, dated 16th June last, which Sir John Malcolm has particularly referred to. We had proposed to defer submitting this document until we should be prepared fully to state our sentiments upon the details which it embraces, and upon the principles by which they are regulated; this we hope to do at an early period, and of course the first and second members of our committee, (the latter of whom has already written a long paper on the subject), will not be understood as pledging themselves to the scheme suggested by their colleague.

We have, &c.,

(signed) *D. Hill.*
H. Mackenzie.
John Bax.

(Enclosure.)

Minute of J. Bax, Esq. 16 June 1829.

MINUTE of *John Bax*, Esq., on the Judicial and Revenue System at *Bombay*, and Civil Allowances at that Presidency; dated 16th June 1829.

1. THE question of emoluments enjoyed by European and Native officers in the Civil Department of the Government of Bombay, is so much involved in the system of judicial and fiscal administration at that presidency, that in considering the subject of the 18th and 19th

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* CONTINGENCIES.	1823–24.	1827–28.
	Sa.Rs.	*Sa.Rs.*
General Department, including Political	9,67,949	18,55,330
Judicial Department	10,52,988	14,02,968
Revenue Department	6,32,743	5,33,796
Salt and Opium	2,06,957	2,26,835
Marine	3,97,195	4,39,038
	32,57,832	44,57,967
		32,57,832
	Increase	12,00,135

19th paragraphs of our instructions *, I must anticipate several topics that would more conveniently come under review at a subsequent period. I shall accordingly lay before the Committee a general outline of the existing system, as an essential preliminary to the consideration of this question relative to Bombay; and as the system is not uniform, I shall take up the several districts separately, commencing with Guzerat.

2. The province of Guzerat is divided into four collectorates; Ahmedabad, Kaira, Broach, and Surat; and into two zillah judgeships, the one comprehending Ahmedabad and Kaira, and the other comprehending Surat and Broach.

3. The collectors are the magistrates, and have charge of the police of their respective districts, excepting at the above towns, where the police is under the Judicial department. The magisterial powers of the collectors extend to sentences of fine; ordinary imprisonment without labour, not exceeding two months; flogging not exceeding 30 stripes, and personal restraint. If the exercise of these powers appears inadequate to the offence, the magistrate forwards the prisoner to the criminal judge (who is also civil judge) of the zillah.

4. The assistants to a magistrate may be deputed by him to perform any part of his duties, but the magistrate may investigate or annul sentences passed by his assistants, and may recall at any stage of proceeding matters referred to them.

5. The native district police officers have authority to punish trivial cases by fine, not exceeding five rupees, confinement not exceeding eight days, or placing in the stocks, or other similar restraint, for a period not exceeding 12 hours. The village police officers have authority to punish trivial cases of abuse and assault by confinement, for a period not exceeding 24 hours.

6. The punishments which the criminal judge is authorized to inflict, are solitary imprisonment not exceeding six months, ordinary imprisonment with hard labour for seven years, flogging to the extent of 50 stripes, public disgrace, fine and personal restraint. But if the judge passes a sentence of imprisonment for more than two years, he refers the case with all proceedings to the Court of Circuit for Guzerat, which court has power to confirm, mitigate or annul the sentence. If the offence appears to the criminal judge to require a degree of punishment beyond the limit assigned to him, he commits the offender, to be tried by the Court of Circuit.

7. The jurisdiction of a senior assistant to a criminal judge (to whom the criminal judge may delegate the trial of offences) extends to imprisonment with hard labour for a period not exceeding two years; flogging for theft only, to the extent of 30 stripes; fine to be limited by the period of imprisonment assigned in commutation not exceeding two years; disgrace; and personal restraint. Whenever an assistant criminal judge is stationed elsewhere than at the Sudder station of the zillah, the magistrate refers all criminal cases beyond his own immediate jurisdiction, to the assistant criminal judge instead of the criminal judge, when they may arise within the limits of the assistant's local jurisdiction; and it is competent for Government to invest such assistant criminal judge with all or any part of the authority of a criminal judge.

8. The punishment, which a junior assistant to a criminal judge is authorized to adjudge, are ordinary imprisonment, without labour, not exceeding two months, fine and personal restraint.

9. The Court of Circuit (which is also a court of appeal for Guzerat) is stationed at Surat, and consists of three judges; the sessions are held by them in rotation half yearly at Surat, and at the other stations of the province, by one of the puisne judges of the court. Sentences passed by the judge on circuit, of death, transportation or imprisonment for life, are not executed until confirmed by the Sudder Foujdarry Adawlut at Bombay.

10. This description of the criminal branch of the judicial administration in Guzerat applies to the districts of the Northern and Southern Concan, excepting that in those districts the sessions are held by one of the judges of the Sudder Foujdarry Adawlut, under the same limitation as exists with regard to a judge of the Court of Circuit in Guzerat.

11. The sessions at Darwar in the southern Mahratta country, are also held by a judge of the Sudder Foujdarry Adawlut, under similar limitation. The Regulations are not yet formally introduced into that district, where a principal collector, with assistants and a registrar, exercises with some trifling variations those criminal and civil functions, which are elsewhere exercised by the departments of the magistrate, and judge, and criminal judge.

12. The districts in the Deccan are divided into three collectorates; Poona (including Sholapoor), Ahmednuggur and Candeish, and into two judgeships, the one comprehending Poona with Sholapoor, and the other comprehending Ahmednuggur and Candeish.

13. The collectors are the magistrates, and have charge of the police of their respective districts, and of the police of the Sudder stations. The penal jurisdiction of the magistrates,

* Extract from the Resolution of the Supreme Government, dated 25 November 1828:—

18. "The Committee will of course carefully consider how far the emoluments assigned to the "several offices which come under their review, whether held by European or Native officers, "are adjusted on proper and equal principles, noticing any that may appear to be excessive or "inadequate, especially adverting to all differences that exist in the scales established at the several "presidencies, and examining the reasons of them.

19. "They will also, if they see advantage in the measure, consider themselves to be fully "authorized to frame and submit to Government an entirely new scale of allowances for the different "offices in the several departments of the three presidencies."

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trates, which they may delegate partly or wholly to their assistants, under the same supervision as already noticed, with regard to the magistrates in Guzerat, extends to fine and imprisonment for two years, with hard labour, to flogging not exceeding 30 stripes, and personal restraint. In the event of these punishments appearing insufficient, the magistrate commits offenders for trial at the sessions.

14. The native district and village police officers in the Deccan, exercise the same police powers as in Guzerat and the Concan.

15. The sessions are held by the judges of Poona and Ahmednuggur, who, in the exercise of their functions in the Criminal department, are denominated "session judges." The penal jurisdiction of the session judge extends to the adjudging of capital punishment, but any case in which he passes sentence of capital punishment, or of imprisonment for above seven years, is referred to the Sudder Foujdarry Adawlut for its final orders. The session judge of Poona holds half-yearly sessions at Sholapoor, and the session judge of Ahmednuggur holds half-yearly sessions at Dhoolia, the civil station of Candeish.

16. Assistants to a session judge possess no penal jurisdiction, but in the absence of the session judge, it is competent for the Governor in Council to confer on the assistant of the highest grade, on the spot, such penal jurisdiction, not exceeding that of the session judge, as Government may deem expedient. The session judges of Poona and Ahmednuggur have an assistant stationed respectively at Sholapoor and Dhoolia, whose duties with respect to the session judge, are similar to those which a criminal judge in Guzerat performs with respect to the Court of Circuit, such as delivering to the session judge the calendar of persons committed or held to bail, holding in attendance at the sessions all parties and witnesses, &c. He performs such other duties as the session judge may enjoin in the preparation of cases, and in all other matters connected with his office.

17. The Court of Sudder Foujdarry (also a court of appeal) is stationed on the island of Bombay, and consists of three judges, exclusive of the junior member of the Government as chief judge. I have already had occasion to refer to the duties of this court sufficiently to show it is a Court of Circuit for the Concans and Darwar, and it is only necessary to add that the general administration of criminal justice and police throughout the territories subordinate to Bombay is superintended by this court.

Administration of Civil Justice.

18. I now proceed to offer a sketch of the civil branch of judicial administration.

19. Civil suits in Guzerat, the Concans and the Deccan are decided by native commissioners, judges' assistants and judges. The amount of suits coming within the jurisdiction of a native commissioner is regulated by the judge, with the sanction of the Sudder Adawlut, but it must extend to *Rs.* 500, and must not exceed *Rs.* 5,000. Suits not exceeding *Rs.* 500 are also referred to a junior assistant judge, and not exceeding *Rs.* 5,000 to a senior assistant judge. The Governor in Council may authorize the judge to refer to his senior assistant suits as far as *Rs.* 10,000 in amount, as well as appeals from decisions passed by a junior assistant judge or commissioner. Suits above the limited value are cognizable originally by the judge.

20. Every suit tried by a commissioner or a junior assistant judge, is open to an appeal to the judge, whose decree is final; and every suit originally tried by a senior assistant judge, is open to an appeal to the judge, whose decree, if it affirms the first decree, is final; but if it modifies or reverses such decree, a further appeal is open to the defendant, to the Court of Appeal for Guzerat, if more than *Rs.* 500 is adjudged against him by the zillah judge, and to the plaintiff, if more than *Rs.* 500 of his original demand is disallowed beyond what was adjudged or disallowed by the lower court.

21. Every suit originally tried by a zillah judge in Guzerat, is open to an appeal to the court of appeal for that province; and all decisions of the latter court are open to appeal to the Sudder Dewanny Adawlut, when that court reverses or modifies the judgment of the zillah court; but where the decision of the court of appeal confirms the judgment of the zillah court, a regular appeal does not lie to the Sudder Dewanny Adawlut, unless the amount at issue exceed *Rs.* 5,000. A special appeal is open for good cause, in all cases where there is no regular appeal; such special appeal lies to the court next above that whose decree is appealed from; but if such higher court does not grant the appeal, it may still be granted by the court next above that first appealed to, and finally by the Sudder Adawlut.

22. The system thus described as prevailing in Guzerat, applies to the Concan and Deccan, with this difference, that there is no intermediate court of appeal between the zillah judge's court and the Sudder Dewanny Adawlut; appeals lie to this latter court from Darwar, and appeals from the Sudder Dewanny Adawlut are open to the King in Council.

23. The Court of Sudder Dewanny Adawlut, besides its appellate jurisdiction in the decision of suits, is vested with a general superintendence over the judicial civil administration throughout the territories subordinate to Bombay; but the judges do not personally visit the Deccan or Guzerat.

Suits cognizable by Collectors, and duties of Collectors.

24. With regard to the *fiscal duties of the collectors* of land revenue, I may observe, that independently of the responsible and minute nature of the revenue settlements, the collectors are invested with the civil cognizance, in the first instance, of all claims for the possession of lands, of all disputes in regard to the tenure of land, of all disputes regarding rent, of the current or former years, which the ryots on the one hand, or the farmer or superior landholder on the other, may desire to submit to adjudication; of all questions regarding the use of wells, tanks and water-courses, and roads and fields; and of disputes regarding boundaries.

25. In all these cases an appeal against the collector's decree lies to the zillah judge, and the appeal is subject, both as to trial and to further appeal, to the same rules as apply to an appeal from the decree of a senior assistant judge, passed in an original suit.

26. The

Sea-customs.

26. The department of *Sea Customs* at the Presidency is under the collector of land revenue. In Guzerat, the customs are under a custom-master, who resides at Surat, and has a deputy attached to him. In the Northern and Southern Concan this department is also under a custom-master, who resides in the North Concan division, (on the island of Salsette), whilst a deputy under him is stationed on the Northern Concan. The customs in Guzerat and the Concans have recently been farmed; the plan has hitherto been very successful, and is in a train of improvement.

27. With a view of affording the fullest insight into the degree of responsibility incurred, the extent of duty performed, and the scale of remuneration received by the covenanted judicial, and revenue officers, under the Bombay government, I annex the reports enumerated in the margin, reserving for separate consideration the duties and emoluments of uncovenanted assistants and native functionaries and establishments.

Defects in the Judicial and Fiscal system.

28. From these reports, and the review above taken of the existing judicial and fiscal system, it will be seen that some prominent defects require to be remedied. In the judicial branch there is no superintendence in the Deccan, and there is one system for Guzerat, another for the Concans, a third for the Deccan, and a fourth for Darwar. In the revenue branch, on the administration of which so much depends, there is no superintendence, and no encouragement to remain in or be zealous about a department which in its fullest grades is most inadequately remunerated (especially in comparison with Bengal and Madras), and which offers no well-paid appointments as objects of ambition. The only principal collectorate under the Government (Darwar) is held by a Madras civilian, and the only well-paid collectorate (Poona) is held by a military officer, and is to be reduced from *Rs.* 33,600, to *Rs.* 25,200, whenever he vacates it.

29. I now proceed to submit to the Committee a general outline of the plan which I think best adapted at Bombay to combine efficiency and economy with a just scale of remuneration to public servants, commensurate to the value of their services to the general administration of the State, and calculated to advance the real benefit of government, by creating in all who are responsibly entrusted with the conduct of its affairs, a substantial interest in its welfare and prosperity.

Proposed Plan of Judicial and Fiscal Administration.

Civil Justice.

30. In the *civil branch* of the *Judicial* department all original jurisdiction should be exercised, I think, by native functionaries, excepting suits in which they or their relations are interested, and excepting some at the Sudder stations, where suits should be filed by the judge, and a portion of them referred by the judge to his assistant, the decrees of the latter being, in respect to appeal, on the same footing as those of moonsiffs. There are 79 native commissioners, including two sudder ameens. These might be reduced to 72 (designated moonsiffs), and divided into three classes of 24 each. They should be paid partly by salary and partly by fees. The salary of the first class being fixed at *Rs.* 300; of the second class at *Rs.* 200, and of the third class at *Rs.* 150; and as to fees, they might receive half the amount of the stamp on suits of *Rs.* 500 or under; *Rs.* 25, on suits between 500 and 10,000; *Rs.* 50, on suits between 10,000 and 20,000; and *Rs.* 75 on suits above *Rs.* 20,000; but this rate of salary and fees, as well as the number of the moonsiffs, must be raised or lowered as experience may suggest.

31. Each judge should have only one assistant, except the judges of Poona, Ahmednuggur, the Concans, and Surat, who will require another assistant at the detached stations of Sholapoor, Dhoolia, (in Candeish) Tanna and Broach, to file all civil suits there, and decide a portion of them, making over the remainder to the moonsiffs. But assistants to judges should on this plan have fixed salaries, and no fees in future.

32. The judges will have to try appeals from their assistants, and moonsiffs.

33. One judge in lieu of two will suffice for the Concans, and a judge and assistant will be required for Darwar, on the full introduction of the regulation into that district.

34. The Court of Appeal in Guzerat may be abolished, and the Sudder Dewanny Adawlut should try appeals from the several zillah courts. A regular appeal may lie, where, if the judge's decree confirms the decree of the inferior tribunal, the sum in question amounts to *Rs.* 3,000; and if the judge's decree reverses or modifies the previous one, the sum in question amounts to *Rs.* 1,000: special appeals to be granted on good cause shown.

35. The ulterior appeal to the King in Council as at present.

36. The collectors, in cases under their judicial cognizance, should have power to authorize their native revenue officers to file and decide suits in the first instance, and appeals from the decisions of the latter, or from those of the assistants, should lie to the collector. The Sudder Adawlut should try appeals from the decrees of the collectors in all original suits, but regular appeals from a collector's decree in appeal should only be allowed, when, if the collector's decree confirms the former one, the sum in question amounts to *Rs.* 1,000; and if it reverses or modifies the former one, the sum in question amounts to *Rs.* 200. Special appeals to lie, on good cause shown.

Criminal Justice.

37. In the department of criminal justice, where so much variation is at present observable, the office of session judge which exists at Poona and Ahmednuggur, should be abolished, and these zillahs, as well as Darwar, be placed under criminal judges, (the same individuals as civil judges) who would be aided in their duties by their assistants at the Sudder stations, and at Dhoolia and Sholapoor.

38. The sessions in Guzerat might be held at Ahmedabad, Surat and Broach, and criminal justice generally superintended there, by the present chief judge of the Guzerat Court of Circuit, (which court it is proposed to abolish), under the denomination of Guzerat circuit judge, and agent to the Honourable the Governor at Surat. This arrangement is rendered desirable by the local situation of that province, which cannot conveniently be

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reached during the rains by one of the Sudder judges from the presidency. It is also very desirable on many accounts to retain a high civil officer resident in Guzerat.

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39. The superintendence of criminal justice and the sessions for the trial of capital cases in the zillahs of Ahmednuggur, Poona, Dharwar and the Concan, and of their subordinate stations, Dhoolia, Sholapoor and Tanna, may be held by one or more judges of the Sudder Foujdarry Adawlut, to which court another judge must be added, in lieu of a member of Government.

40. The charge of the police at all the Sudder stations, including Poona, Ahmednuggur and Darwar, and of all gaols, should be under the criminal judges, but the charge of the police at the towns of Dhoolia, Sholapoor, Tanna and Broach may be under the zillah magistrate.

41. The magistrates to have charge, as at present, of the police of their districts (excepting the Sudder station), and to be authorized to extend in some degree the authority of their komavisdar or mamlutdars. This latitude would prevent the necessity of sending prisoners for minor offences and witnesses to the Hoozoor, and experience has shown that, under the presidency of Bombay this class of native officers may be safely entrusted with the exercise of authority, for there is scarcely an instance on record, since the transfer of the police from the Judicial to the Revenue department, of tyranny or corruption by a komavisdar or mamlutdar.

42. The jurisdiction of the magistrates and their assistants may remain as at present, or be reduced or enlarged if deemed necessary in any particular cases by Government.

43. The criminal judges and their assistants, as Government may authorize, should try all cases beyond the magistrate's jurisdiction, except capital cases, which would be tried by a judge of the Sudder Foujdarry Adawlut, or in Guzerat by the circuit judge; but cases involving punishment amounting to seven years imprisonment, should be referred for final orders, in Guzerat to the circuit judges, and the other districts to the Sudder Foujdarry Adawlut. Trials for state offences should not be instituted except by order of Government, and should be tried in Guzerat by the circuit judge, and in the other districts by one of the judges of the Sudder Foujdarry Adawlut. The sentences on trials for state offences should be referred to Government.

Revenue Administration.

44. To produce the improvement so essential in the revenue branch of the administration, I would propose to divide Guzerat into one principal collectorate and two collectorates, instead of four collectorates as at present, forming Ahmedabad into a principal collectorate by the addition of some of the northern districts of Kaira. The remaining districts of Kaira, with Broach and Surat, to form two collectorates.

45. The collectorate of Ahmednuggur, with the addition of a few villages from Candeish and Poonah, might also form a principal collectorate. The principal collectorate of Darwar to remain as at present.

46. The custom-masters, their deputies, and most part of their establishment in Guzerat and the Concans, may be abolished, and the whole of the sea customs placed, as the land customs are, under the collectors of land revenue.

47. There should be a superintendent of revenue appointed at Bombay to reside in the mofussil, whose duty should consist in visiting every collectorate as occasion demanded, receiving and inquiring into petitions, reporting to Government in the first instance, on all applications (to be made through him) for revenue buildings and repairs, conducting inquiries in the Revenue department, and exercising in general on the spot that scrutiny and supervision which is now totally wanting, whereby a system of mismanagement productive of serious loss to Government, and much injury and injustice to the people, has in some cases been allowed to continue unchecked, until the ryots have themselves flocked for redress to the presidency. This result must often ensue where an executive officer is uncontrolled, and is the sole reporter of his own acts and conduct.

48. The superintendent of revenue would have access to all the records of every principal collector and collectors; but it is not of course intended that the latter should send their correspondence with Government through him, except in the cases mentioned in the preceding paragraph. On the contrary, he should be informed that it is not the desire of Government to multiply business and correspondence by his appointment, but rather to abridge it, by remedying on the spot many matters of complaint which are now referred to Government. It would of course be requisite, however, to frame more definite instructions for him than can be laid down here.

49. To each principal collector and magistrate there should be attached a sub-collector, and first and second assistant, and two other assistants. To each collector and magistrate there should be attached a first and second assistant, and one or more other assistants according to circumstances, independent of supernumeraries or unpassed writers, who, on their arrival, are put under the care of different collectors.

Salaries.

50. Upon the subject of salaries, I have already laid before the Committee a list of civil servants at Bombay, and of their respective emoluments; also extracts from the Minutes of the Honourable Mr. Elphinstone, and of the members of the government, in the year 1824, connected with this topic; and I have stated my sentiments * on the principle which should

* Extract from Mr Bax's Minute, dated 24th February 1829:—

"In the first place, I have to observe that the admission of a standard of comparison, whereby "the extravagance or economy of an establishment is to be weighed by the rate per cent. it bears to "the revenue of the government under which it exists, would practically lead to false conclusions and "great inequality of remuneration. Individuals who have the least duty to perform, might on this "principle

should in this respect govern us, I think, in our deliberations. As the justice of the principle there advocated has been admitted by the members of the Committee, I need not dwell much upon the question here.

51. At our last meeting the maximum of salary to be assigned to civil servants at Bombay, was fixed at *Rs.* 45,000, and the plan of paying certain functionaries equally was fully discussed and settled. The officers deemed entitled to this maximum at Bombay were the secretaries to Government, the judges of the Sudder Court, the circuit judge and Government agent in Guzerat, the superintendant of revenue and the accountant-general. Whether or not the second and third secretaries to Government should receive the maximum or be paid by a graduation, is a matter to which I do not myself attach much importance, but I have laid before the Committee the opinion of Sir John Malcolm and others on this point, and my own wish is that their sentiments in favour of the graduated scale should be adopted in this instance; the second and third secretaries should, however, be placed on a better footing, I think, than any principal collector. I am desirous of noticing in this place, that as the proposed maximum is to include every kind of allowance, some arrangement will perhaps be necessary by the Government of Bombay to supply the chief secretary with a residence, as his house was very lately resumed by Government, and *Rs.* 3,600 per annum given as rent on his voluntary resignation of the house in question.

52. The deputy accountant-general would be fairly remunerated with an annual income of *Rs.* 26,400.

53. In our Report of the 27th April we disposed of the offices of the general paymaster, sub-treasurer, and superintendent of stamps, civil auditor, mint master, senior magistrate of police and postmaster-general. With regard to the allowances of judges, principal collectors, and collectors and their assistants, I consider that the scale at Madras ought to be adopted at Bombay, taking into consideration the circumstance, that the judges and collectors under Bombay, with few exceptions, reside in houses the property of Government, which is not the case at Madras.

54. The collector of land revenue and sea customs at Bombay Island will be amply paid by a salary of *Rs.* 30,000 per annum, for, under the scale and number of maximum salary proposed to be introduced, there is no reason for continuing to him an income (*Rs.* 50,000) so far beyond other collectors, who have infinitely more duty and responsibility.

55. I have here omitted all reference to the political and commercial branches of the service, because the former (except as regards the establishments attached to residencies and agencies) is excluded from our consideration, and the latter is reserved by our instructions for future inquiry.

56. There is one point which I think should be adverted to, whilst reviewing the official salaries of individuals; I allude to the rate of exchange between England and India, which appears to have adjusted itself to a standard from which it is not likely to vary in any degree favourable to residents in this country. The time is passed when we are to fancy that a rupee represents half-a-crown, and I assume the exchange between England and Bombay to be generally at 1 *s.* 8 ½ *d.* per rupee, and the maximum of salary therefore proposed for that presidency is 3,843 *l.* 12 *s.* 6 *d.* per annum, or 156 *l.* 7 *s.* 6 *d.* per annum less than the Act of Parliament (153 Geo. 3, c. 155, s. 82) contemplates to be within the possible reach of attainment after 10 years' service.

57. Having thus laid before the Committee the result of my own reflections on the points embraced in this Minute, after weighing well the sentiment of others whose opinions, from local and general knowledge, demand every attention, I shall concisely state the advantages which appear to be comprehended in the proposed arrangement.

58. In the first place, the plan furnishes an efficient and real control in the judicial and revenue departments; it substitutes a reasonable degree of uniformity of system for the present variety of modes in which justice is administered; it provides a gradation in the station and emoluments of revenue officers, and creates a few appointments of value sufficient to secure to that branch the continued services of civilians of advanced rank, who now quit it at the period when they can be employed in it most beneficially to the country and to the government; it gives to Darwar the benefit of an efficient judicial tribunal; and lastly, it effects a positive reduction in expense of *Rs.* 1,35,327 per annum, by the operation of abolishing and consolidating offices.

59. I annex Schedules exhibiting the financial result of the foregoing arrangements, and although, in conformity to the principle laid down at our last meeting, I have introduced into the Schedule (B.) the equalizing scale of salary for each secretary, I should more willingly concur, in this instance, in the adoption of the graduated scale.

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" principle be allowed the largest salaries and establishments, and a custom master at Agra, Allahabad, " Cawnpore or Mirzapore, might be deemed economically paid by receipts double in amount to those of " a collector of Poona, Ahmednuggur, Candeish or Ahmedabad.

" The quantity, nature and responsibility of the duty to be performed, constitute in my opinion the " proper grounds upon which the excess or inadequacy of existing establishments at the three presi- " dencies should be decided, without reference simply to the amount of revenue carried to the " particular division, whether Bengal, Madras or Bombay, in which the duty is executed. Unity as well " as efficiency and economy is one of the objects to which our attention is directed by our instructions; " and in effecting this point it should be borne in mind that each functionary is co-operating for the " management of the affairs of one common empire, and is unquestionably entitled to remuneration in " proportion to the value of his services to the general administration."

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60. By this Schedule it will be seen, that exclusive of civil servants employed in the political and commercial departments, there are appointments for 85 instead of 101 servants, being a diminution of 16 in the present number of appointments. This is the natural result of substituting in a great degree native for European agency in the original cognizance of suits, and it is accordingly in the judicial branch that the demand for covenanted civil servants is found to diminish. Under the present system, the number of civil servants employed in the judicial department is 35, whereas the number required under the proposed system is 22, so that it is in this branch of the service where 13 out of the 16 appointments before mentioned, are abolished.

61. It is not perhaps within the province of the Committee to suggest the modes of employing gentlemen on the Bombay establishment who may be thrown for a time out of employ by the adoption of these suggestions. It is on this account, and not from any difficulty in the question itself, that I abstain from making any precise suggestions on this point; but I shall frankly record my opinion in this place, that no inconvenience can result from immediately adopting the proposed plan, if the rights of the civil servants at Bombay are upheld, and they are put in possession of appointments to which they are lawfully and unquestionably entitled, but which are now held in some cases by military officers, and in others by civil servants, who belong to the presidency of Madras.

Calcutta, 16th June 1829. (signed) *John Bax*, Member of the Finance Committee.

Memorandum.—In reference to the 44th paragraph of my Minute of the 16th June last, proposing to form Ahmedabad into a principal collectorate by the addition of some of the northern districts of Kaira, leaving the remaining districts of Kaira with Broach and Surat to form two collectorates, I have to substitute the following arrangement: viz. that the principal collectorate should be composed of the whole of the Broach collectorate (except perhaps a small tract south of the Nerbudda, which may be transferred to Surat) and nearly the whole of the Kaira collectorate, the portion of the latter not comprehended in the principal collectorate being transferred to Ahmedabad.

It is preferable, I think, to keep Ahmedabad on its present footing, for the population is not easily managed, and from the extent and straggling form of this collectorate, it would not unite so conveniently with the Kaira collectorate as the latter will with the Broach collectorate.

Calcutta, 16th August 1829. (signed) *John Bax.*

In order to exhibit the charges incurred by the above plan compared with those of the year 1823–24, upon the principle laid down in the Minute of the Right Honourable the Governor-general, datedthe 30th of October last, I annex a statement, dated 30th April 1824, of the charges of the above year, by which it appears that those proposed by me are less by *Rs.* 60,860 than those incurred under similar heads in 1823–24.

(signed) *John Bax.*

MINUTE of *David Hill*, Esq., dated 8th March 1830.

(12.) Minute of David Hill, Esq., on Judicial and Revenue Administration; 8 March 1830.

1. I HAVE studied with great attention the papers laid before the Committee by Mr. Bax, regarding the civil establishments of Bombay, and by Mr. Mackenzie*, regarding the internal administration of India. The alterations proposed by them tend to a general system for introducing unity of purpose into our civil institutions, and for rendering them efficient and salutary, by placing their operation primarily in the hands of the natives themselves. In these two great principles I cordially concur: they lie at the foundation of all the improvement of which our civil administration is susceptible. I consider it preposterous alike to expect that a despotism can be established like a free constitution, upon a system of balance and check among its several parts, and a handful of foreigners, who come to India for a portion of their lives to carry away a competence for the remainder, should govern that gigantic empire, either physically or morally, otherwise than through the instrumentality of its own inhabitants. It is only in subordination to these two principles, which, although they never for an instant could in reality fail to a certain degree to be acted upon, have hardly been recognised, and certainly not avowed till of late, 30 or 40 years, that any essential improvement in our scheme of internal administration is practicable.

* App. (13.)

2. It was a violation of the former principle to make the system of judicature independent of the government. In this country it wants the aid of all those appliances and means which enable it to stand alone, where the people are free: not only the laws themselves, but the mannner of administering them, requires to be accommodated to the ultimate object of promoting the general welfare. This accomodation takes effect in a free country through the influence of public opinion, and elsewhere through the control of government, by which alone public opinion can in such countries be ascertained and expressed. Without the influence of public opinion, or its substitute, the control of government, courts of justice are left in the dark how far their ultimate object, the general welfare, is either promoted or defeated

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defeated by the course of their proceedings. Upon arbitrary principles of law they may revolutionize a whole country by a transfer of the rights and property of the people, and may bring them under the most galling bondage by vexatious forms of process.

3. In rendering the courts of justice independent, the Government was led to confide in a great measure to their protection the maintenance of all classes of its subjects in the privileges which it intended them to enjoy; but those privileges are so ill-defined and so ill-secured, and their possessors are so incapable of standing up for them, that a much more vigilant and active protection is requisite than what a court of justice can afford. The maxim that no wrong is without a remedy, is suited only to a free country. In the state of Indian society, and under an absolute government, the duty of protecting the people cannot be committed with effect to any but those officers, under the guise of whose authority they are most liable to be oppressed. The system must be preventive, not remedial. In particular, it should not be left to one part of the system to supply the defects and correct the abuses of another; but each part should be well arranged in itself, and the whole directed by Government for the public good.

4. With regard to the extended employment of native agency, it is due of right to the people; there is no apology for excluding them from any situations which they can fill with efficiency and without danger. The degradation of a whole people to the lowest offices in the state is an outrage upon reason and moral principle. If it were supposed to be true that amongst sixty or seventy millions of human beings none were fit to occupy the higher stations in society, so monstrous a result ought to lead to the abandonment of the system from which it followed. But nobody supposes this to be true; and I concur in the opinion of Mr. Mackenzie and Mr. Bax, that a prompt, equal, and economical administration of justice is unattainable, unless through the co-operation of the natives. The protection of the people from oppression, as I have said, is more a branch of executive than of judicial administration; and what remains for judicial inquiry of a civil nature relates only to controversies among the natives themselves. Even if none besides European officers were duly qualified for the adjudication of such controversies, the ground of expense alone would present an insuperable obstacle to employing them. But in point of intelligence, of application, of knowledge of the languages, manners and circumstances involved in the cases to be investigated, natives have unquestionably a vast superiority over the Europeans whom it is in the power of Government to select for such employment. If they are inferior in point of integrity, that defect can only be remedied by the exercise and discipline of their moral faculties; and in the mean time, under European superintendence, and with proper checks, it need not prove a bar to their usefulness. The experience, however, acquired at Madras, where native agency has been largely resorted to for more than 12 years in judicial duties, does not justify the apprehension, that natives are liable to prove corrupt judges. During that period they have decided on an average upwards of 60,000 suits in the year, to the general and growing satisfaction both of the people and of their official superiors. Authority has hitherto been much less freely entrusted to the natives in criminal than in civil jurisprudence. I am not aware whether this distinction has been accidental or intentional; but I consider it to be unfounded. If it have originated in the idea that the natives are prone to a tyranical disposition, I know of no better cure for such a propensity in a class of men invested with power, than to accustom them to substitute for discretionary severity, on the impulse of angry feeling, a measured scale of penalties on recorded evidence. Acting under European superintendence, their powers of punishment could not be habitually abused, and I feel confident, that on trial they would prove no more disqualified by cruelty for criminal, than by corruption for civil jurisdiction.

5. I should approve ultimately of giving not only all primary jurisdiction, but all jurisdiction whatever in civil cases to native judges. The proper restriction of their authority seems to be not in the amount to be adjudicated, but in requiring all causes to be filed, decisions to be sanctioned, or new trials ordered, and decrees to be executed, under the superintendence of a European officer. If appellate jurisdiction only were exercised by European judges, I doubt very much whether their decisions would be entitled to respect. Judges who had never tried original causes, and who tried but a small number of appeals, would be liable to proceed, not upon judicial principles, but upon notions of expediency; and when of totally different habits of mind from the judges, by whom all original causes, and the great bulk of appeals were tried, it would be difficult, even if it were desirable, for their decisions to diffuse any prevailing influence over the jurisprudence of the country. Under the check of European superintendence, and under the ultimate control of government, it seems to me, that gradually civil judicature in all its branches might be administered by native judges and punchayets with perfect safety, and with a degree of intelligence, promptitude and economy, which can never belong to European tribunals. Our officers, European and native, and the authorities in this country and in England, are not yet ripe for the active transfer of judicial functions to natives; but all of them, as far as Madras is concerned, I believe, are fully ripe for allowing natives to participate much more largely than they have hitherto done in the discharge of those functions; and I am satisfied that the entire transfer is sound in principle, and is the ultimate measure to which all our reforms ought to tend.

6. I am, moreover, of opinion, that the great mass of criminal business, which at present is transacted by the magistrate and the criminal judge, might with advantage be transferred to sudder ameens, at the sudder station of the district. Their sentences should be sanctioned, or be liable to be revised by the criminal judge, and ought only to be executed under that officer's directions; but, with these checks, it seems to me to be absurd to withhold from the most discreet and respectable natives whom we are able to select such criminal authority as is habitually exercised by young men recently emancipated from the tuition of a moonshee. It is not conceivable that the authority should in the latter case be

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exercised with more judgment and temper and satisfaction to the people than it would be in the former. Indeed one great recommendation of extending the powers of native judges in civil cases, and granting them criminal jurisdiction, would be, that of enabling Government to dispense entirely with the office of registrar. Whatever may be said for other parts of our judicial system, nothing but necessity, real or supposed, can be urged in defence of the powers, particularly in criminal cases, vested in persons of the age and inexperience of those who usually hold that office.

7. The criminal authority of native judges might gradually be extended, so as in the end to embrace nearly all the powers exercised by the criminal judge and the court of circuit. The greatest benefit might be expected from the use of punchayets in criminal judicature; it would operate both as a check and an aid to the judge, and would also diffuse among the people improved notions of truth and justice, and the relative rights of individuals and of society. The measure ought not at first to be hampered by precise rules, but to be probationary and discretionary. Rules ought to follow practice, not to precede it: they could be introduced by degrees, as experience showed their propriety. I heartily adopt Mr. Mackenzie's sentiments on this branch of the subject, and have nothing to add to them.

8. My opinion is, as I have already intimated, that the Government was wrong in discharging itself of all concern in judicature, which, without any bad intention, may become an engine of the greatest oppression and practical injustice when dissevered from the rest of the body politic. Its union with the rest of the body politic cannot, as in free countries, be maintained by means of public opinion, or popular institutions, of which the latter do not exist, and the voice of the former is not heard, and therefore it ought to be maintained through the control of Government. A member of council should preside and officiate as chief judge of the Sudder Adawlut. The suits filed, with the cause of action in each, should be regularly reported to Government. The Government should have power to stay any decree for a time, or altogether, and when it saw fit, to order a new trial. All circular orders, and all English correspondence should be laid before Government. With these precautions, the system of judicature would be guarded against being at variance with the general system of internal administration; and the Government would be enabled, in its executive or legislative capacity, to exercise all the control over it which the public welfare might require.

9. I agree in opinion with Mr. Mackenzie that appeals of right should be greatly limited in number, but I consider the amount at issue to be the only definite rule for admitting them, or for determining the tribunal before which they are to be carried. The superior courts should in all cases have authority to admit special appeals, and that authority should be exercised according to their discretion. They should also, when they saw fit, be allowed to substitute a new trial by the court below, for a special appeal, but not for an appeal of right. The reversal of the first decree by the superior tribunal should not be ground for another appeal of right, but it may be good ground for a special appeal. A reversal certainly implies attention and thinking for itself on the part of the superior tribunal, but it also implies difficulty in the question at issue. Combined with other considerations it may serve to show that the ends of justice require the cause to be tried again.

10. The Court of Directors, in their letter of the 18th of February 1829, have raised the question as to the comparative advantages of collective and individual agency, and have intimated an inclination of opinion, that in certain respects the business of Boards would be better done by single commissioners. I am in favour of the extent to which individual has recently been substituted for collective agency at this presidency, both because, on the principle of unity of purpose, I consider the authority which was vested in boards, at a distance from the seat of government, highly objectionable; and also because, from the difficulty which had arisen in effecting a regular and prompt delivery of the jails, it was absolutely necessary that some change should take place, and that of subjecting revenue and police affairs to the superintendence of one and the same authority is an essential improvement. On motives of economy, I am also in favour of the introduction of individual agency in some other instances. But viewing the general question with reference to the Madras presidency, I am much more opposed to so fundamental a change, unless under some urgent necessity, or for some great and unquestionable benefit, and am by no means satisfied, that even abstractedly considered, the universal adoption of individual agency would be advisable.

11. A Board of three or four members is not merely three or four individuals doing the same thing instead of its being done by one. They not only correct each other's oversights, and temper each others feelings, but they often supply each others defects by bringing varied qualifications and resources to their task; accordingly I have seldom, if ever, known any intricate subject under the consideration of a well composed collective body, upon which, in the course of their deliberations, each member did not materially and sincerely modify his original views. Indeed, all human experience confirms the maxim, that in counsel there is wisdom. In executive measures, activity and promptitude are of vital importance, but in a superintending and controlling authority they may be too closely allied to an overbearing and intermeddling disposition; and valuable as they are, wherever all depends upon the energy and exertion of the moment, it is true also, that under an organized and settled system, the *vis inertiæ* is not without virtue. Moreover, the views and proceedings of a collective body are not perceptibly or speedily affected by changes amongst its individual members. There is no *demise* of a Board, and its measures acquire a steadiness and stability, which cannot belong to those of successive commissioners. This steadiness becomes of infinitely more value when a Board is viewed not merely as superintending the officers of Government, but as advising and sometimes restraining the Government itself. An individual

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(12.) Minute of David Hill, Esq., on Judicial and Revenue Administration; 8 March 1830.

vidual commissioner acting in the same capacity would be liable to be at total variance with his immediate predecessor, and (what would be a much greater evil in such a system as ours) might, by deference to views entertained in the highest quarters, and by means of personal intercourse, be brought to support, or even to suggest, measures against which, as member of a board influenced only by such considerations as would appear upon record, and fortified by the concurrence of his colleagues, he would not have failed to remonstrate. One of the few securities we have for permanence in any of our arrangements would be taken away if boards and courts were universally supplanted by individual commissioners.

12. Applying the general question to the Madras Board of Revenue, I conceive that the benefit of a greater degree of individual agency and responsibility might be obtained by a division of the ordinary duties of the Board among its several members, and by frequent circuits of inspection. But that benefit would be purchased at much too high a price if it cost the existence of an institution, which has never failed to comprise some of the best talents and most valuable experience of the public service, and to prove itself capable of presenting to its superiors the soundest and most enlightened views regarding the condition of the people, the resources of every part of the country, and the science of good government. As a body, the Madras Board of Revenue has by its services deserved a better fate than to be dissolved; but if it were otherwise, and if the incapacity of one or more of its members lay like an incubus upon the efficiency of the rest, I do not see how the evil would be cured by dispersing them, with very unequal qualifications, to undertake equal duties, and to exercise co-ordinate authority within separate spheres of jurisdiction. The incapable members could not be expected to become efficient commissioners. The only evils which the dispersion of the members of a board seems calculated to remedy are those of its business falling in arrears from it having too much to do, or of its failing to take a proper interest in its duties from the languid feeling of divided responsibility. There is no pretence for imputing the latter evil to the Madras Board of Revenue, and if the former exists in any degree, I trust that it might be remedied by some less violent and injurious measure than the dissolution of the Board.

13. Commissions of revenue in lieu of the Board would merely be principal collectors absolved from executive duties, and deprived of the practical experience and minute and intimate knowledge which can only be gained in the course of discharging them, and at the same time vested with superintendence over a much wider extent, and therefore with weaker effect than at present. To place the present collectors and principal collectors under the immediate eye of such commissioners, without responsible duties, but with absolute discretionary authority to issue orders to their servants, and to interfere with their arrangements, would degrade the most valuable local officer of the Madras Government into another person's deputy, and both damp his zeal and diminish his sense of responsibility. Such subordination of authority, without corresponding superiority of talent, experience or duty, would produce uniform disgust and frequent altercation; even where bad feeling did not arise towards the commissioner, it could not fail to be excited towards his native establishment. Besides, the constant changes of commissioners, some of them permanent and some temporary, would lead unavoidably to constant changes or suspensions in the system of revenue management, so that the same system would seldom be actively pursued in any district for a few years together. After all, too, the substantial authority in a district must necessarily remain in the hands of the officer charged with responsible duties, and cannot in effect be transferred to any other officer merely exercising supervision over him. The local officer may be aided and stimulated in the discharge of his duty, or he may be thwarted and crippled; but it is upon his exertion that the welfare of the district must depend, and his superior cannot serve the purpose of his substitute. It would therefore be a radical mistake to improve the controlling part of one system at the expense of the operative, even if there were full reason to be convinced that the alterations were improvements.

14. If it be supposed that cases of malversation which elude the discovery of a Board would be detected by a commissioner, I believe that there has been no want of previous general information in any case of the kind which has occurred under the Madras Presidency, but that tenderness for the individual or false delicacy, or aversion to stand forward as accuser, (motives which are as likely to influence commissioners as other public officers, and the influence of which may be, and I expect will be, overcome by the Board of Revenue as effectually as by a commissioner) have prevented the suspicions which it excited from being acted upon.

15. I am quite sure that without the aid of the Board of Revenue the Madras Government would be incapable of superintending the proceedings of the commissioners and collectors under them with due effect, unless it took upon itself a great portion of the duty now performed by the Board of Revenue, and for that purpose greatly increased its establishment, both European and native. It certainly is essential to the efficient discharge of the functions of Government not to add to the details with which the Governor in Council is already encumbered; and any reference calculated to be attained with that inconvenience must necessarily prove fallacious.

16. I do not comprehend in what manner the principle of individual agency is applicable to the Sudder Adawlut; and it does not appear to me that such an application of the principle was contemplated by the Court of Directors. With a great variety of appellate jurisdictions in the last resort, the law could never be settled by a series of uniform decisions, and litigation under circumstances precisely similar might lead to the most contradictory result. As the court is already constituted, the judges can decide individually under any rules which are found expedient, preserving uniformity in their decisions, and still leaving to Government the benefit of their united wisdom and experience in matters of

legislation of general principle, or of unusual difficulty. I conceive it, moreover, to be open to the most weighty objections to establish ultimate or even dominant authorities in any general department of public affairs at a distance from the seat of government. The practice is at variance with the principle of a unity of purpose in our internal administration, each authority of that sort being in fact an *imperium in imperio*, and being liable to assert its own independence by counteracting some other part of the general system: such authorities, too, possess no influence except what their official acts confer upon them; they are shorn of the beams of power, and are apt in process of time to lose the respect and confidence of the public.

17. I confess, therefore, that under the considerations which I have freely set forth, I should, with reference to the Madras presidency, think it an ill-advised and uncalled-for measure to break up the Board of Revenue and Sudder Adawlut. In as far as the object is to provide a ready and efficient supervision in the remote provinces, I doubt much whether experience has proved that mis-management is likely to be greatest at the greatest distance from the presidency. I doubt also whether mismanagement has generally been prevented by means of supervision, or brought on by the want of it. The great object is to raise the qualifications and characters of the executive public functionaries, not to set others over them to lie in wait for their errors and imperfections. The system which best answers the former purpose is the best; the system which answers it well is too good to be lightly abandoned. It may as a theory be defective, and even in practice its faults may be great and numerous; but if in the main it works well we should be to its faults a little blind, and should let them be eclipsed by its success. There are many indications of good or bad management in a district which are more to be relied upon than the commendations or censures of any superintending authority. If the revenue be realized with punctuality and facility; if there be peace and good order among the people; if the local officer displays intelligence and regularity in the discharge of his ordinary duties; if the voice of complaint is not heard either from the oppressed or through the channel of other branches of administration, the Government has reason to be satisfied that the management is good. These are tests which cannot mislead, and cannot be suppressed. If the contrary symptoms show themselves, the Government have the means of knowing that things are wrong, and should take measures to set them right. With this knowledge before it, if the Government owing to the extent and variety of its dominions and its duties, is unable, through its local officers, to apply a remedy, the state of the case would not be improved though its superior boards and courts were dispersed throughout the country. Under such circumstances, the Government is too unwieldy, and its provinces ought to be dismembered but not its institutions.

18. The observations which I have made have reference to the system and circumstances with which I am best acquainted, and I am ready to admit that in many respects they may be inapplicable to the presidencies of Bengal and Bombay. With regard to all the three presidencies, I have already urged that the primary consideration is to reduce our expenses within the limits of our income. Whatever reforms might be beneficial, the urgency of the occasion calls less for reform than for retrenchment; I would therefore wish that, in the first instance at least, any alterations to be proposed for Madras should be limited to the object of bringing back our expenditure to the scale of 1823-24. I am confirmed in the desire to follow this cautious course of proceeding, and to avoid unnecessary innovation, by the success which has attended the system of civil administration actually in force at Madras. It has been successful according to all the tests by which it can fairly be tried. The statement below*, for 20 years, during which there has been no accession of territory to that presidency, shows that the revenue has been collected with surprising regularity. In that long period there is only one year in which the collections exceed the average by eight per cent. They never have fallen so much as six per cent. below it. The average of the first ten years falls short of the general average by one-and-a-half per cent.; that of the last ten years exceeds it in the same small proportion. In England, a bad harvest has been stated to make a difference of ten per cent. in the revenues; but the period here taken includes two bad harvests, which did not make much more than half that difference. The evidence of successful administration which the statement affords must

* Actual Collections of Revenue in the Districts under the Presidency of Fort St. George, for 20 Years, averaging 4,23,11,100.

YEARS.	REVENUES.	Per Centage, above or below Average.	YEARS.	REVENUES.	Per Centage, above or below Average.
1808–9 -	4,09,30,000	3 4 2	1818–19 -	4,20,62,000	– 9 5
1809–10 -	4,04,33,000	4 7 –	1819–20 -	4,26,79,000	– 13 11
1810–11 -	4,21,21,000	– 10 11	1820–21 -	4,28,71,000	1 5 2
1811–12 -	3,98,38,000	5 13 6	1821–22 -	4,32,92,000	2 5 2
1812–13 -	4,01,98,000	4 15 11	1822–23 -	4,47,25,000	5 11 3
1813–14 -	4,23,51,000	– 1 6	1823–24 -	4,20,42,000	– 10 2
1814–15 -	4,26,83,000	– 14 –	1824–25 -	4,57,12,000	8 – 7
1815–16 -	4,24,49,000	– 5 2	1825–26 -	4,38,93,000	3 11 10
1816–17 -	4,18,06,000	1 3 1	1826–27 -	4,34,63,000	2 11 6
1817–18 -	4,26,02,000	– 11 –	1827–28 -	4,01,72,000	5 – 10

must be deemed conclusive, when it is borne in mind that the revenues of Madras are very high, and depend mainly upon annual settlements. No military force has for a long course of years been in any district resorted to for the collection of the revenue; neither for years past has military force been called in to preserve peace and good order; gang robberies, tumultuous affrays, and resistance of public authority, are offences of very rare occurrence; add to all this, civil justice is promptly and satisfactorily dispensed, and the whole system of internal administration is understood by the people and the officers of Government, and has acquired a character of stability which time alone, and not the most skilful contrivance can confer. In short, although the institutions of the Madras presidency certainly admit of improvement, and in particular ought to be adapted more than they actually are to the great duties of ameliorating the condition and character of the people, yet they do so far answer the main purposes of civil government, that it is unnecessary to hurry on their revision, and would be rash to hazard the practical advantages resulting from them for the sake of any speculative reform.

19. I may also observe, that if extensive and radical changes should be found necessary at either or both of the other presidencies, I deem it most fortunate that the state of things admits of at least deferring the introduction of the same changes at Madras. Whatever new system may be adopted must at first be probationary, and it is desirable that experiments should be varied rather than uniform. The system tried at either of the other presidencies may be compared in its effects with the system continued at Madras, and the benefit of two experiments thus obtained. It is indeed by no means certain that one and the same system will even ultimately be found best adapted to the whole extent of India. What is necessary for one presidency may be superfluous at another, and injurious at the third. The dimensions and compact, or struggling arrangements of the territory, the character and habits of the people, the degree of their advancement in civilization, the existence or want of particular institutions, may all contribute to recommend a difference of system for the different presidencies, or for different parts of the same. Uniformity of system, under circumstances essentially unlike, is really the most pernicious species of diversity.

20. It seems proper that I should explicitly describe the system of civil administration for the Madras territories, which would arise out of the principles I support, and which, in my judgment, all our reforms ought at least to tend to. It ought practically to be carried on as far as possible by the natives, and ought in all its branches to keep up an intimate connexion with the Government. The European officers ought merely to superintend and direct the natives in the discharge of their duties, and to form the links by which their connexion with the Government is maintained. All civil jurisdiction ought to be exercised by natives; but, beyond a limited amount, ought to be exercised only at the station of an European officer, who ought to be empowered to order a new trial, or to admit a special appeal to another native judge, and under whose direction all decrees ought to be executed. The great bulk of criminal jurisdiction now exercised by magistrates and their assistants, and by criminal judges and registrars, ought to be transferred to natives at the station of the European judge, under whose direction their sentences ought to be set aside or executed. Higher offences ought to be tried by the European judge, with reference in certain cases to the Foujdarry Adawlut. The use of punchayets ought to be freely resorted to in these trials; but in the beginning unfettered by rules, and left to the discretion of the presidency judge, under the orders of the Foujdarry Adawlut and Government. In civil cases the Sudder Adawlut ought to be empowered to receive special appeals from the native judge of appeal for trial before native judges sitting under their superintendence, and to allow or disallow the final decrees of these last judges. If disallowed, they should order a new trial, and in the end should take the orders of Government before the decrees were executed. In criminal cases the Foujdarry Adawlut ought to dispose of the trials required to be referred to them. In both branches of jurisdiction the Sudder and Foujdarry Adawlut ought to exercise a vigilant superintendence over the operation of the whole system, and take care to bring it constantly and fully under the review of Government.

21. Police ought to be in the same hands as land revenue, the main-spring of civil government in India; and the aim ought to be as much as possible to raise the character and qualifications of the local officers to whom they are committed. Although they may not come up to the *beau ideal* of what they ought to be, it would only degrade and deteriorate them, without rendering them more safe or more capable, to treat them with distrust, to undervalue them, and employ the choice talent of the service to watch over them. If, too, the efficient officers are superintended, who is to superintend the superintendants? The efficient officers, whatever system we follow, can be superintended with effect only by themselves, or by others through the medium of the fruit of their labours. All other superintendence will but serve to embarrass them, and to delude their superiors. The principal collector therefore (where there is one) ought to be charged with executive duties as well as the sub-collector. When a district is large, it ought to have a principal collector, with one or more sub-collectors under him; when it is small a collector is enough: under the collectors should be an efficient native establishment; over them, an efficient Board of Revenue at the presidency. The Board of Revenue should watch all indications of good or bad management, and its members should occasionally visit the districts for the purpose of communicating with collectors on the spot, and satisfying their minds on points which may seem to call for local inquiry. The Board ought also to keep Government fully informed of the state of all parts of the country.

22. The Government ought to combine the information drawn from the Sudder Adawlut and Board of Revenue, and from all other sources, so as to judge how far the whole system

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of internal administration is beneficial and successful, or the contrary, and ought to interpose its authority as the general interests of the people may require.

23. If the extent of the presidency, or the scattered position of its district come to preclude the exercise of concentrated authority, either by the Sudder Adawlut and Board of Revenue, or by the Government, a second or subordinate government, with all its component parts, as far as they may be necessary, should be set over a portion of the overgrown or misshapen territories, rather than break up the unity of the scheme of administration.

24. The scheme does not pretend to be perfect: perfection belongs not to human institutions under the most favourable circumstances, and it would be visionary to look for it in the government of unnumbered millions of various kindreds and tongues and nations by a slender ephemeral band of foreigners. It may be objected also that the scheme bears an arbitrary character: so it does; but a government founded on the right of conquest, and maintained by the power of the sword, must needs be arbitrary. Liberal institutions will not coalesce with arbitrary authority, and the attempt to combine the two only frustrates the purposes of the government, even when they are beneficial, and puts the people under subjection to many tyrants instead of one.

25. I have confined myself to the discussion of principles and the statement of general results, and am desirous of refraining from the application of them in detail to our existing establishments until it be ascertained how far they obtain the sanction of Government. From that rule I would only depart to such extent as may be requisite in order to bring down the scale of public expenditure to the standard which the Court of Directors have prescribed for it, and which the state of the public finances renders imperative. To that extent I propose, in a separate paper, to suggest alterations in the civil establishments of the Madras presidency on the principles which I have attempted to explain. With a view to such further alterations as on general grounds may be advisable there or elsewhere, or on the ground of retrenchment may be necessary at either of the other presidencies, I would recommend that if they are of a radical or sweeping nature, we should state to Government the principles which, in our judgment, ought to regulate the system of internal administration, and should apply for their instructions for our guidance in drawing up a scheme for carrying them into practice.

Calcutta, 8th March 1830. (signed) *D. Hill.*

(13.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*; dated 25th October 1830.

(13.) Letter from Committee, on Judicial and Revenue Administration; 25 October 1830.

My Lord,

In commencing the revision of the establishments of the three presidencies, with the view of bringing the charges down to the standard of 1823-24, we stated to your Lordship in Council that retrenchment of expense, and not general reform, was the primary object we had in view, and that in the suggestions offered by us we should adhere as far as possible to the existing system. We at the same time intimated that when no other mode of effecting reductions to the necessary extent appeared to be practicable, we should consider ourselves at liberty to propose new arrangements founded upon those principles which we concurred in thinking it expedient to adopt in providing for the civil administration of the country.

2. In conformity with the above principles, the only essential changes recommended by us in regard to Madras *, were the modification of the Courts of Circuit and Appeal, the abolition of the office of registrar, and the extension of the powers of native judges. In Bengal †, however, it appeared to us that the requisite reduction of expense could only be effected by a somewhat more extensive change of system; and at Bombay the arrangements actually adopted by the Government, involving an almost complete alteration of their judiciary establishments, we were compelled to enter fully ‡ into the consideration of the general principles to be followed in all local arrangements for the civil administration of the country.

* Report of the Finance Committee, dated 5 May 1830. App. (20.)
† Ditto, dated 12 July 1830. App. (22.)
‡ Ditto, dated 20 September 1830. App. (18.)

3. In so wide a sphere of inquiry it could scarcely happen that there should exist an entire concurrence of opinion on all points; and the views of our second member in regard to some important questions involved in the system adopted at Bombay differing from those entertained by the majority of the Committee, we have the honour of submitting herewith a copy of a Minute §, wherein, as intimated in the postcript of our Report of the 20th September last, he has explained the sentiments entertained by him, together with the observations ‖ of our senior member on some of the matters discussed in that paper.

§ Minute by Mr. Mackenzie, dated 1 October 1830.
‖ Minute by Mr. Hill, dated 8 March 1830. App. (12.) Ditto, ditto, dated 19 October 1830.

4. The Committee propose to take an early opportunity of submitting a separate report upon the question, how far the agency of individuals could be advantageously substituted for that of collective boards. In the meantime, the third member deems it sufficient to refer, for an explanation of his views regarding the judicial and revenue administration, to his Minute ¶ of the 16th June 1829, and to the regular Reports of the Committee already furnished, and to state his concurrence with the second member in thinking that the provincial judges of appeal and circuit might, without any other delay than would necessarily attend the adoption of the arrangement, be safely abolished at Madras, by still farther enlarging, as at Bombay, the criminal and civil powers of the local European and native judges.

¶ Submitted to Government in a Letter from the Finance Committee, dated 3 February 1830. App. (11.)

5. It

(13.) Letter from Committee, on Judicial and Revenue Administration; 25 October 1830.

5. It is satisfactory to find that there is a general concurrence in our committee in regard to the essential principles of reform, proper to be applied to the local administration of India, and that whatever variety of opinion may exist in following out those principles, does not in any degree tend to bring in question the financial results it has been the object of our reports to establish.

We have, &c.

(signed) *D. Hill,*
Holt Mackenzie,
John Bax.

(Enclosure.)—MINUTE of *Holt Mackenzie,* Esq., dated 1st October 1830.

Minute of Holt Mackenzie, Esq. 1 October 1830.

1. HAVING examined the establishments entertained at the three presidencies, I now wish to record the conclusions to which I have been led in regard to the principles to be followed in all local arrangements for the judicial and revenue administration of this country, so long at least as it shall be governed according to the system now established by the British Parliament; and though I can scarcely expect that much authority will be given to any remarks or suggestions I may venture to offer on so difficult a subject, even with reference to this presidency, I will not the less freely submit the thoughts that have occurred to me in regard to the country generally, believing that the discussion, though it may often expose my want of information, can scarcely fail to call forth the knowledge of others better informed.

2. I shall generally follow the paper which I wrote last year on the first perusal of Mr. Bax's minute, because I still adhere, in its main outlines, to the scheme I then sketched. But since that paper was written, Mr. Bayley has recorded his minute on the administration of civil justice, and some important minutes have consequently been submitted by the Sudder Court of this presidency, two of the judges of which court (Ross and Turnbull) with Mr. W. W. Bird, had been previously good enough to peruse my note, and to give me their opinions on some of the questions discussed in it. Discussions have likewise been in progress between the Government and the Judges of the Supreme Court. Our committee also has gone fully into the consideration of points then less perfectly developed, and on some the sentiments of Government have been more or less distinctly expressed. Hence has been suggested to me the propriety of modifying and explaining various passages of the paper above-mentioned; and though I have not time to re-write the whole, still less to refer specifically to the several points on which my sentiments may agree or differ from those of others, I beg that this paper may now be considered as supplemental to our report on the Bengal civil establishment, referring particularly to the statements which constitute the appendix of that report.

Dated 16 June 1829.

3. I would once for all remark, that in the practical application of the principles hereinafter stated, as of all other general principles, Government must necessarily look to accidental and temporary circumstances. It is not enough that the general plan be an expedient one, there must exist fit instruments in the required quantity to give effect to it. But it would be vain to attempt to anticipate all the circumstances which are likely from time to time to oppose the universal adoption of what we may recommend. Our recommendation must therefore be taken merely as the general rules we should wish to see followed, when no impediment exists. The practical application of them with reference to temporary or local considerations belongs to others; I venture, however, to express a confident assurance, that if any project for the better or more economical government of India be impeded, by the indiscriminate choice of the persons who are destined to public life here, the home authorities will readily adopt the measure necessary to secure a better selection; I assume, consequently, that all the civil servants of the Company are or will be men of fair capacity and character, fully qualified to discharge, after a sufficient course of service, the duties which attach to the collectors and magistrates of districts, and that a large number of them will be found equal to the more difficult and important duties that belong to the administration of civil and criminal justice.

4. Now, if the case be so, I must, as a general objection against our existing system, express my doubts of the expediency of drawing any arbitrary and absolute line of separation between the revenue and judicial officers of Government, especially in an unsettled country: there the acts of the revenue authorities affect most widely the interests of society; they touch at every point the properties and institutions for the protection of which the courts are instituted; their duties are indeed mainly of a judicial character, and on their decision depends the worth (I might almost say the existence) of the most valuable parts of the property of the country. It would be preposterous, therefore, to urge a want of confidence in men so trusted, as a reason for not entrusting them avowedly with judicial functions. Nor does the separation of the departments operate in fact to establish any real check upon either, in so far as concerns the most important interests of Government or of the community; for under the plan of separation, both are supreme in their own sphere, and each may, in an unsettled country at least, exert so wide an influence, as to make all that remains a matter of indifference. The revenue authorities may beggar the people by blunders or extortion, or may squander the government resources in ignorance or design, yet the matter will never fall within the jurisdiction, nor probably come within the knowledge of the courts, and the latter may similarly set law and justice at defiance, without

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interference by the former. Were it not indeed that our system, and the terms used to describe it, have given a contrary habit of thought, we should at once perceive how inconsistent it is to speak of controlling our revenue officers by tribunals who are not allowed a whisper in deciding the grand question of the quantum of assessment to be demanded. Contrasted with the mass of property thus left to the decision of the revenue men in the unsettled districts, all that becomes matter of litigation in the Adawlut is insignificant; for to the revenue authorities it belongs to say, whether the estate of every landowner in those districts shall be valuable or worthless, and whether millions shall cultivate their paternal fields in comfort and independence, or shall toil in poverty, or suffer exile; and in the few cases in which our collectors are sued, it may well be doubted whether, as matters are now arranged, there be any solid reason to anticipate a better judgment from the judge, excepting on grounds that would imply on the part of the revenue functionaries, an entire unfitness for the trust actually confided to them.

5. Nay, the existing plan of separation must act powerfully against the efficiency of the Adawluts, by depriving them, especially the higher courts, of the means of acquiring and maintaining the information necessary to a just judgment on the matters which they have to decide; and it does not less tend to weaken the control of the superior revenue authorities: for to say nothing of distance, the officers of each department see only one half of the societies with which they have to deal. In every case that occurs there must be an ignorance of a number of particulars that would otherwise be familiar, or they have to obtain a knowledge of them through the means of a long and laborious inquiry.

6. So long, indeed, as England shall govern India on the plan now established by Parliament, to which of course we must conform, the only chance I conceive of our having such an administration as shall satisfy the just expectations of the people, and as shall contain within itself those seeds of improvement which must be cultivated by their co-operation, is to be sought in the completest possible unity of purpose throughout all the departments and in all their grades, for it is only thus we can hope to maintain that moral control, which will enable us safely to delegate to natives those duties which must be confided to them, if we would really do justice. Without this, Government must, I fear, fail either to maintain its own rights, or to protect those of its subjects. It will be perpetually vacillating between the two objects, instead of consistently pursuing the course by which they are best to be combined, and the subordinate functionaries will be frequently thrown into a position of hostility and counteraction, toiling to effect to-day what to-morrow will be destroyed: baffled in every scheme that embraces more than the adjustment of some partial and temporary interest; deprived of all means they ought to possess, of anticipating or directing the consequences of their acts, all will be fully armed for purposes of mischief, no one will have sufficient power for protection. In a word, to disjoin the several parts of government, in a country which is not self-governed *, is like placing the different members of the body in charge of different physicians, severally acting with their respective limbs according to individual theory, without reference to the treatment of other parts, and each holding in his hand the power of destroying life, but helpless to save, from the blunders of his brethren. It is to animate the lifeless frame with a plurality of souls.

7. At this presidency at least, our failures may, I think, mainly be traced to the want of any sufficiently strong connecting link between the several departments; and above all, I would deplore the relinquishment by Government of its proper control over the administration of civil justice.

8. Of police I need scarcely speak, because every one seems to allow that it belongs to the executive government, though accidentally, and I think against all sound principle, united here with the administration of civil and criminal justice. But even supposing our judges confined to their proper duties, it seems to me that the theory of a complete separation between the judicial and executive authority, if elsewhere sound, is here misplaced. The judicial is the chief branch of the executive administration. Though in free countries it may belong to the people, in a despotism it must belong to the ruler or his delegates; and to put judges arbitrarily over the people, whom the people cannot control, and to leave them uncontrolled, is to abandon the most sacred duty of supreme power; Government, therefore, by relinquishing wholly the judicial functions to inferior agents, must, I think, alienate its subject directly, by the denial of a hearing to the injured, and indirectly, by encouraging mal-administration.

9. Our plan must, I imagine, be utterly incompatible with every notion of government which a native of the country can be expected to entertain. To-day he finds to his cost that the revenue authorities have vast and almost uncontrolled power, they are the masters of his destiny: to-morrow he is told they can do nothing to secure for him, from the meanest retainer of the court, the property they created, after a long and anxious pursuit of justice he may have established, by a practical decision, his right to his patrimonial village. But the tribunal which has awarded him possession can do nothing to maintain it against the invasion of the assessor. He looks in vain for that completeness of function which naturally enters into his idea of a ruler; the subordination of ranks he would understand; he might comprehend the delegation of powers subject to special restrictions; but

* This condition must always be kept in mind, because the self-government of the people will introduce entirely new principles of action; and in maintaining what may seem rather arbitrary doctrines, I beg to be understood as urging them only under the system by which all public functionaries are arbitrarily appointed by the Government, not as advocating the continuance of such a system.

but a division of authority, which leaves the country without a master, a delegation of power which strips Government of its supremacy, or leaves it supreme only when opposed to its subjects, must pass his powers of imagination, and we cannot wonder if he be reduced to the alternative of charging his rulers with indifference to the prayers of the people, or of referring to destiny the good and evil they bestow. Practically, the interference necessary to maintain on the part of Government a control over its judicial as well as the revenue officers, would not be found burthensome; less so probably than the frequent interposition in individual cases which is actually exercised in the revenue department, and of which the occasions would be rarer if there was unity of action in the different branches; for real control is not exercised through a busy intermeddling with the details of individual cases, and the efficiency of a ruler is to be measured not by what he does, but by what he causes to be done.

10. It may be worth remarking, that while under the Cornwallis scheme, the supreme judicial as well as supreme revenue authority remained with the Government, the separation of the inferior authorities under the rules of 1793, was not made until the perpetual settlement was concluded; the same principle was followed in Benares. The terms used by Lord Cornwallis show his belief (well or ill-founded is apart from the present question) that the right of the great body of the people had been ascertained and recorded, and that he relied upon the courts for maintaining what was so recorded under the charges incident to the ordinary occurrences and transactions of private life, not as fit instruments to meet the exigencies of an unsettled country, and to bring into order the chaos there existing. He never thought of having separate authorities for the adjustment of matters requiring adjustment during the progress of a settlement; and after all he reserved, as above noticed, the supreme appellate jurisdiction to the Governor-general in Council. Those, consequently, who appeal to him and to his system as prescribing the separation of Government from its judicial servants, and of judicial from revenue functions, pending temporary settlements, strangely overlook the real facts of the case. Whatever weight be given to his authority, it is plain, that, to say the least, his measures imply nothing in favour of a separation of departments, in places wherein no permanent settlement has been made. This distinction it seems to be very important to keep clearly in view; for in the districts permanently settled, our executive revenue officers have so little power or influence, that unless we were to make an entire change in the system of management, we need scarcely look with much anxiety to the means of controlling them. The establishment of a good police, and the due administration of criminal and civil justice, (the latter should secure the rights of the state not less than those of individuals,) are in such districts the objects of paramount importance; and while the revenue management of the country is left to the zemindars, and our collectors have merely to do with names and figures, the question of employing them in judicial duties may be made to rest chiefly on the mere question of economy and the qualification of judicial officers. In so far as the revenue department is concerned, the principle of the permanent zemindary settlement seems to be quiescence, and upon that principle (I do not of course mean to defend it,) our collectors ought apparently to have but little to do, if not required to meddle with matters in which they cannot usefully interfere; and the means of controlling them should be proportionately simple; they may indeed be often advantageously employed as magistrates, as various other classes might probably be; but the reason will be, not that their revenue and magisterial duties have any thing in common, but that the former are not sufficient to occupy their time. Under such circumstances, if Government maintain its place, a separation in the subordinate authorities need be little objected to, if it be not found open to objection on the score of expense; and if the plan of separation were maintained, the place of some of our collectors might be filled by well paid natives. In unsettled districts, or in districts in which a regular settlement brings the collector in communication with the body of the people, the case is, as I have already said, altogether different; there it seems to be of very great importance that the management of the revenue and police should be in the same hands, and it is scarcely less to be desired that the control of revenue affairs, and the administration of civil justice, in so far as concerns landed property, should be closely connected. By not exercising revenue powers, the magistrates must relinquish the means of acquiring the most valuable information which such officers can possess: they are deprived of almost the only means through which they can exercise a really effective control over their native officers, and of all classes not avowed plunderers; these are the men whom it is most necessary to watch; for under a despotic government, the grand difficulty must always be to protect the people against the public officers, and especially against acts done under cover of law, which none but their official superiors, acting with the influence and discretionary authority that subordination implies, can adequately check. It is thus only that the want of that check to maladministration which is elsewhere applied by public opinion, can be (though imperfectly) supplied; and the protection afforded by tribunals bound by strict laws, and authorized to interfere only upon full legal proof and with specific acts distinctly prohibited, must be very imperfect. The above consideration may seem to induce the conclusion, that in the unsettled countries there should be no separation of powers whatsoever, and that all officers, in their several gradations of function, should have authority in all departments; and to this conclusion I should certainly assent in its application to poor and thinly peopled tracts, where little is wanting to ensure the prosperity of the country but the protection of a good police and light and equal taxation. In other places the duties of civil and criminal judges are so important and laborious as to make the separate appointment of such an officer a matter of necessity, or at least of urgent expediency, on grounds to which I shall hereafter have occasion to advert, and under such circumstances, without denying the advantages of an

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union of powers, we must yield to preponderating reasons, endeavouring to prevent the mischief of disunion by placing the judges and collectors under a common superior, and by such a training of the former as may secure their possessing an intimate and practical knowledge of the duties of the latter.

11. But though admitting the propriety of having separate judges, I am clear that the office of magistrate should in all unsettled districts be united with that of collector. Where districts are too large or too populous for the collector and magistrate really to do the business, or rather to see that it is properly done (details must rest with subordinates), they should be divided, not the functions separated *. For among a people little advanced in civilization, much divided among themselves, altogether strange to us, with no means of expressing the general sentiment in regard to the acts of public officers, distance of place and the want of personal observation are bars to the ascertainment of truth, in a degree not known to countries inhabited by people highly cizilized and free, and governed by men of the same origin, religion, and general habits, since in the latter case the expression of the public voice will generally anticipate the complaints of individuals and the inquisition of the ruler; and evidence, written and oral, may be largely substituted for personal observation, with little risk of error. Uniting the offices of magistrate and collector, we should on similar grounds combine those of thannahdars and tehsildars in all the unsettled districts; and for such an arrangement there is the further reason, that in this way only can we, without a large addition to the public charges, have men adequately paid at the head of the police establishments in the interior, or bring duly into play the village or parishionary institutions it is so important to maintain. I believe it to be quite a mistake to imagine that the tehsildars and thannahdars are of any use in checking each other; on the contrary, I believe the people certainly suffer by having two masters, and one of those, with vast power, so miserably paid, that he must of necessity be corrupt. The abuses that occurred within some of the western districts in the few years following their acquisition, may be easily traced to other causes than the union of police and revenue duties; and the experience of Madras, I understand to be decidedly favourable to that measure.

12. In the lower provinces there are few revenue duties that could be given to the police officers, unless the zemindars or their servants could be employed in that department. Something might possibly be done in the several branches of miscellaneous revenue; but Government must, I apprehend, be prepared to incur a considerable expense in placing the thannahdars on a proper footing: the object is well worth a considerable price. Nothing indeed could be a greater blessing to the country than to improve the character, by raising the condition, of the native police officers; and I much regret being compelled, from the want of information, to relinquish all thoughts of suggesting any specific arrangement. In such a case, especially, accurate geographical and statistical information is indispensable, and this not being attainable, we can only submit the matter generally for consideration; with the remark, that in proportion as there may be apprehended the want of funds for the due payment of the native officers, must there arise a more urgent necessity of avoiding the employment of European functionaries in any situation in which they are not required.

13. I shall not now go into the question of village or parish police, to do justice to which it would be necessary to examine separately the circumstances and institutions of each district; but I cannot help expressing my conviction, that in many of the districts of this presidency, if not in every one, a great improvement might be effected, if we would only give the people credit for common sense in the management of their own concerns, and learn to esteem our own plans and arrangements in proportion as they consist with their institutions. Of the stranger chokedars frequently imposed upon villages, the least offensive are, I believe, those who merely occasion a needless expense, and the old officers are almost certainly thrown out of their proper place, when they are made to look to the officers of Government, instead of being responsible to their natural superiors, the heads of villages. I can conceive indeed nothing more irritating to the high spirited men who compose many of the village communities of the west, than the insolent domination of police establishments, acting under magistrates often equally ignorant and careless of the character and condition of the people they govern, generally debarred from all that intercourse which would beget knowledge and kindness, and nursed in the habits incident to a perpetual dealing with fraud and violence. If the cause of the people be the main object of preventing crime, I believe we have failed essentially, however successful we have been in checking the more violent offences; and it seems indeed too plain for argument, that without the goodwill and co-operation of the community, the native police must, under the most active magistrate, be an evil, second only to the crime it prevents or brings to punishment. That it may be efficient, without being tyrannical, it must be made to rest upon the people, and amalgamate with their other institutions: economy points the same way, especially if we look not merely to what the Government disburses, but to what the people pay, and all the above objects would, I think, be agreeably promoted if, as at Madras and Bombay, the revenue and police were combined in all their grades. It seems to be expedient that the magistrate who has the police under him should be the officer to commit for offences requiring to be prosecuted by Government or on behalf of the community, for he only can fully command the means of catching the clues of evidence, and with district judges to try such cases, the inconvenience felt by judges of circuit, when there is any want of care or skill in making

* This would imply a negative upon too extensive a delegation by the magistrate and collector, of duty to his assistant, just as much as upon the express separation of the offices of law.

making commitments will be in a greater measure avoided. But a good many cases with which our magistrates now trouble themselves might apparently, with much advantage, be left unnoticed, unless brought forward by private prosecutors, and they should apply not to the magistrates, but to the judges. On grounds to which I shall hereafter advert, it seems to be advisable that the judicial powers of magistrates should be restricted within narrow limits, and there appear to be stronger reasons why the native police, or revenue officers, should not have any such powers given to them.* Of course the objections will not apply to their being employed as administrative officers of the courts, or in causing the settlement by arbitration of matters connected with revenue or police, which are to be best adjusted in that way. I should think, therefore, that when the judiciary establishments, European and Native, are once fairly established, and the revenue settlement of the country concluded, the magistrates and collectors, with their subordinates, ought almost entirely to cease from the exercise of judicial functions, excepting inquiries touching their own servants. Whether, however, this be done or not, it will be equally necessary to adjust the limits of the collectorships and magistracies so as to obviate any serious delay in a reference to them, in whatever quarter of their districts they may be, and we must, in this case, give more weight to the circumstance of distance than in settling the jurisdiction of judges fixedly stationed, and rarely, if ever, required to act on an emergency. The habits of the people, too, as they may be lawless or orderly, must be attended to; and it will thence be necessary, in some places, to provide separately for particular tracts of more limited extent and population than will justify the appointment of a full magistrate and collector; but though the sub-collectors and joint magistrates to be employed in such cases should be officers of considerable standing and experience, and fully capable of acting for themselves on all ordinary occasions, they ought nevertheless to be distinctly subordinate, each of them to some magistrate and collector, and should be required to obey any orders the latter may see fit to issue, and this without any attempt formally to define their relative powers. In such a case it seems sufficient to say, that the inferior may do whatever the superior may do, when not otherwise instructed; that the latter may or may not interfere, as he judges best, for the good of the district, and that his interference shall at once supersede the power, and remove the responsibility of the former; all persons, however, in all ranks and departments being expected to report glaring wrongs or mischiefs to the authority which has the means of redress. Deputies were appointed (and they will apparently be necessary at a few places when the detail business of the Sudder station is peculiarly heavy) I suppose to act in immediate communication with their principal, in duties specifically prescribed by him. It will generally be necessary or proper that the magistrates and collectors, and sub-collectors and joint-magistrates, should have head assistants of some years standing, who may be unobjectionably employed in the conduct of much business under their directions, official and unofficial, and who may supply their place occasionally at the Sudder stations. But of all assistance that can be given to the collectors and magistrates, by far the most important is that of good native officers, adequately paid, and held to a distinct responsibility for the duties entrusted to them. The old Dewan system of Bengal failed, because the functions of those officers and their responsibility were very ill defined, and because they were inadequately paid, to say nothing of the personal qualifications of many of the collectors. But the existing system, which would make factotums of the European officers, seems to render failure inevitable, however well qualified they may be, since it necessarily renders them the tools of their irresponsible and miserably paid subordinates, by throwing upon them the necessity of meddling with endless details which they can never really master, and depriving them of the leisure and the means of exercising that general check and control which properly belong to them. It would be out of place to enlarge on the abominable tyranny of systematically keeping in a state of degradation the entire body of our native public servants, or on the inconsistency of pretending to deplore their want of moral worth, and yet studiously placing them in a position in which honesty would be a miracle. But the practical absurdity is even greater; the men in whom we profess not to confide, must, in fact, be largely trusted, or all business would be at a stand; and being trusted, without confidence, without respect, without distinct responsibility, and without emolument, their temptation, and the power of abusing the trust, are multiplied tenfold. The best men of our service are thus compelled to waste their lives in petty details, and in fighting against the effects of a system which makes rogues of all below them, instead of controlling and directing the wonderful talent we could cheaply command; and inferior men are left in the hands of underlings, whose talents, when they possess them, Government having refused to purchase or reward, are naturally turned to the acquisition of illicit gains, and who may safely pursue such objects under the name of their master, relieved from all responsibility to their common superior. The labours of the former are thus thrown away upon comparative trifles, and the latter are more surely and completely made the puppets of those they seem to direct. It is not perhaps necessary to say much on this head, because the tide of opinion, both here and at home, is clearly in favour of the more extensive employment of natives in situations of trust and emolument, and because at Madras an example has been set which Bengal can scarcely fail soon to follow. But though the theory be admitted, the practice is not, I fear likely to find favour, since it will, of course, naturally abridge a very desirable patronage. Therefore must we again and again repeat, that the practical application of the principle is quite indispensable to any real system of economy; and to arguments against the reduction of the Civil Service, founded on the results of the present system, it must be sufficient to observe, that the admission of natives to their fair share in the administration of the country, will produce a state of things to which such arguments must be utterly inapplicable. The situation of the British officer, indeed, will be changed, and not less for the

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better than that of the native; and hence possibly an objection, because it will (I have already heard it urged) be impossible, with any face, to find employment for all who now are employed in situations nominally of little importance. But if the Government think it reasonable to maintain a bad system, in order to provide for inefficient civil servants at a vast waste of the public resources, and at a great risk of much mischief to the community; it is for them to vindicate, not for us to adopt, a policy that seems to us at variance with sense and justice.

14. The necessary increase in the allowances of the sheristadars may, in a great measure, or wholly, be provided for by a modification in the allowances of the tehsildars, and by the reduction of establishments that will no longer be necessary when the plan we propose is adopted.

15. We then come to the question, what authority shall be put over the magistrates and collectors? and on this point I should say that the magistrates and collectors of districts should certainly be placed under a superior capable of interposing promptly and decidedly, whether it be to correct error, to redress injuries, or to stimulate to exertion. It will never, I think, do to subject functionaries necessarily vested with large discretionary and summary powers, to superiors who can only interfere after a long judicial inquiry. For the security of the people, the functions of the directing and remedial authority must bear a close relation to those of the executive, whose rapid course in the administration of affairs, admitting of no delay, can never be overtaken by the slow progress of an elaborate investigation. Hence, I conclude that the directing and remedial power must be vested in some one or more having a moderate sphere of jurisdiction, if we would protect the people from the mistakes and injustices of the collectors and magistrates, for the best men must, in the haste and excitement of executive police duty, frequently mistake, and sometimes be carried beyond the strict bounds of justice; and in the Revenue department proximity seems, if anything, to be more necessary, because the acts of collectors touch more extensively the bulk of the community, and that part of it which can least easily overcome the obstacles of distance and delay. It has been one of the mischiefs of our system that while it has disjoined functions differing chiefly in name, it has unnecessarily joined together, under the same authority, regions and communities widely distant from each other, differing in almost everything that can distinguish nations. The one evil, indeed, flows from the other; since, with a given establishment, the sphere of authority must be locally extended in proportion as functions are separated.

16. It is a mere truism to state that the exercise of authority without knowledge (and knowledge minute in proportion as the authority may extend to details) must be nugatory or mischievous; now the directing and remedial authority placed over magistrates and collectors must go greatly into details, and it must mainly depend upon the people for a knowledge of their rights and claims. It follows, that if that authority would really give the people fair play, there must be easiness of access, or the means of ready communication, independently of the party whose errors are to be corrected, and the wrongs done by him redressed. Excessive extent of jurisdiction is, therefore, fatal to the efficiency of him who is placed immediately over the executive revenue and magisterial officers, in the multitude of matters that turn upon points of local information. The evil will of course be aggravated in proportion as rights and institutions are various, since it must be proportionately difficult to reason by analogy from what is near to what is distant, and from what is known to what is unknown; and to gain the necessary knowledge in individual cases without preparatory information touching persons and things in the same and analogous situations, will generally involve a delay fatal to the purpose of its acquisition, to say nothing of the likelihood of our officers shrinking from the labour. In some cases too it must be expected that there will not only be wanting sufficient knowledge, but that vanity and the impatience of ignorance, and of the reputation of ignorance, will suggest false deductions from fanciful premises.

17. On every ground, therefore, it seems to me that the jurisdiction of the authority immediately above the magistrates and collectors, should be limited to a moderate number of districts, and these districts resembling each other as nearly as may be in the physical and moral phenomena they present. I have already explained why the same authority should have the control both of the police and revenue. Nothing indeed can well be more unreasonable than to disjoin in the superior what is united in the inferior authority, thereby subjecting the latter to two masters, and affording him a ready means of setting both at defiance, by evading in one capacity any distasteful directions he may receive in another. I have had occasion elsewhere to observe the inconvenience resulting from this cause in the case of our joint magistrates and sub-collectors; and from the Madras and Bombay correspondence, I should infer that the judicial men there have experienced something similar in their revenue police.

18. The Commissioner of Revenue and Police should not, I think, be clogged with any of the ordinary details of a collector's and magistrate's office; for if he be, it must be expected that his own immediate executive duties will have a disproportionate importance in his eyes, so that he will not exercise an adequate or unbiassed control over his subordinates; and in regard to the tract under his immediate management, there will be wanting the proper chain of graduated authority. How far he should exercise any, and what judicial authority, especially in cases relating to land, its rent and produce, seems to be a question of some difficulty; in so far as such authority may be left with the collectors and magistrates, the commissioner's powers should, I think, certainly extend, and the numerous cases which it is advantageous to have decided on the spot in the course of settling the government revenue will fall within this principle; so also in regard to the punishment of the official misconduct of the native officers under him, and the redress of wrongs sustained from them; individuals complaining

complaining of such wrongs having still access to the judge if dissatisfied. But the exercise by the administrative and directive revenue and police officers of judicial powers, properly so called, excepting in the case of their official subordinates, seems to be against principle: it must be defended, therefore, on special grounds, and should not be extended or continued beyond the space or time within which such grounds may be found to exist. The principle appears to have been greatly violated by the law which gives our magistrates very large discretion in determining the question of possession, and is perhaps equally infringed in other cases, wherein summary decisions (often exhibiting all the imperfection, without any of the speed the name imports) are substituted for the careful judgments of adequate and well ordered judicial establishments; upon such an establishment we must of course ultimately rest the rights of the people; and I would therefore regard all the judicial powers that may be given to magistrates, collectors or commissioners, as accidental and temporary only; but copies of all decrees regarding landed property ought, in the unsettled districts at least, to be sent to the commissioner, who should be authorized to certify to the Sudder Court for revision any that may appear to him to involve erroneous or mischievous principles; and it will of course be competent to the superior controlling authority to employ the agency of the district judges in prosecuting inquiry into any matters, judicial or revenue, whenever they may deem it advisable to do so. Possibly, too, it may be thought to be advisable that the commissioner of revenue and police should, until a proper jury system can be organized, be employed conjointly with the criminal judge, in holding a sessions for the trial of persons charged with the more serious offences, or of Europeans. These are points that will have to be determined in a great degree by local and temporary considerations; and they need not, I think, be decided before settling the general scheme of establishment; on the contrary, it is, I conceive, a recommendation to that scheme, that it admits of such a variety in its application.

19. Above the officers who exercise the directing and remedial power, there must be an authority of general control for the purpose of maintaining general principles and of watching and reporting upon general results. For this purpose the same minuteness of information as is required in the directing and remedial authority, is not of course necessary, nor is the delay incident to a lengthened investigation of particulars (when that may be called for) likely to be attended with the same bad effects, supposing only that the intermediate officers are fit for the duties assigned to them; and how far the authority in question shall be exercised directly by the government of the country, or through the instrumentality of boards, commissioners, reporters or secretaries, ought properly to depend on the extent of its other duties. The ultimate control must of course rest with Government, and it may perhaps be thought that when it requires the intervention of any distinct authority for the purpose above mentioned, it is a proof that its sphere of dominion is too extensive, and that should be restricted rather than an intermediate class of functionaries maintained. It is foreign from my present purpose to enter on a full discussion of this point; I shall only, therefore, remark that I consider the retention by Government of the immediate control over all departments to be decidedly advantageous, when other business of more importance or urgency allows it really to exercise the function; and that where the intervention of another authority of control is unavoidable, such authorities should be required to act in the closest possible communication with the Government. In the Revenue and Police department, it does not seem to be necessary to define very accurately the powers of the controlling authorities, and the question what way they shall be constituted when separate from the Government, is one which will be better examined after we have considered the establishments required to be entertained for the other great branch of the civil administration of the country; viz., that which provides for the decision of questions of civil right between man and man, or between individuals and Government, and for the decision of cases of criminal justice, wherein any individual or Government, or its officers, on behalf of the community, demand the punishment of an alleged offender.

20. The functions of the civil and criminal judge may of course be kept distinct. But the reasons for uniting them, those especially of economy and convenience, seem, in respect to the European establishment at least, to be very strong; and there is clearly no incompatibility of the one with the other. The case is very different when we come to unite the duties of a judge with the executive charge of the police or the collection of the revenue*. For when these are given to one officer, there must always be great danger lest the deliberative will give way to the executive, unless both be very light, since the pressure of the one is instant, the other will always be or seem to be susceptible of postponement: the one will appear easy because the items of it may often be summarily disposed of; the other will seem to be burthensome, because requiring more continuous thought; hence it is generally allowed that in our Regulation provinces great advantage attends the relieving of the zillah judges from magisterial duties. The two functions, so far as concerns the civil court, have indeed nothing in common, and in the criminal department, the power of judge†, united with the charge of the

* I do not now lay stress upon the notion that the courts can be very useful in protecting the people against the revenue authorities for reasons above explained; but of course I would regard all systems which do not rest the rights of the people upon courts of justice as temporary merely.

† In some cases summary punishment may be necessary to the good order of society, though involving the risk of injustice. In others, this risk may be small or may be counterbalanced by the advantage of prompt decision, and the question what offences shall be punishable by the magistrate, and subject to what control, will require separate consideration, with full advertence to the penal law. But it is impossible to glance over the Bengal code without being struck by the great extent of penal jurisdiction which has been given to our magistrates since the time of Lord Cornwallis, and one is forced to the

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the police, and exercised with the heat and passion that must sometimes influence a zealous magistrate, seems likely to be abused. Similar reasons, with others more likely to find favour, may be urged against the union of the powers of judge with those of collector, excepting under special circumstances, and the above reasons have of course a twofold force in favour of the appointment of a separate judiciary, when we propose to make our collectors magistrates.

21. Assuming that the European judges shall exercise both civil and criminal jurisdiction, it is necessary to define in each branch the extent of their powers; and this, by necessary consequence, leads to the consideration of the question what functions shall belong to the native judges under them. Now, whether one looks to the extent of the country, and the number of the people, or to the peculiar relations in which we stand towards them, it seems to be equally unquestionable that the functions of the European judges should be confined, as soon and as far as practicable, to that of superintendence, direction and control; for thus only can they hope to ensure to the utmost possible extent a pure, just and prompt administration of the law; and for this purpose it seems to me to be indispensable that the primary jurisdiction of all cases, criminal as well as civil, should be very largely intrusted to natives. European officers can never be supplied in sufficient numbers to perform what the existing law requires of them, and the effect of continuing the system must be that much which ought to be done will not be done at all, and that much which the law requires to be done by the European judges *, will, in fact, be done by natives, under circumstances infinitely more likely to lead to abuse than any extent of power directly vested in them with a corresponding responsibility and suitable remuneration. It seems to be just certain that the necessary talent and knowledge may be had in any required quantity. Indeed, let Government demand what qualifications it may, if it will only use its patronage to encourage their attainment, the difficulty will be not to find fit candidates for office, but adequate employment for the abilities it will call into being. Nor do I see any sufficient reason for thinking that honesty and a regard for opinion will be wanting if the proper means of checking corruption and creating self-respect be adopted. Even indeed were I forced to admit that, in their present state of intellect and morals, the natives cannot be safely trusted with large powers, I should still be in favour of gradually enlarging the sphere of their authority, at the risk of some temporary evil, and this apart from all the financial considerations that so imperiously call for their employment. Men are every where what their circumstances make them, and if we would raise the character of the people, we must begin with raising their condition; to say they shall be employed only in slavish offices until they cease to exhibit the characteristics that necessarily belong to their mean condition, is to condemn them to perpetual debasement. Without undervaluing the efforts made by Government and humane individuals for the diffusion of knowledge, it seems to me to be obvious that their success must mainly depend on the degree in which objects of generous ambition are held out as the rewards of superior attainment. The indirect encouragement to the acquisition of sound knowledge which may be given by a proper use of public patronage, is likely to be far more efficacious than any direct measure, however ostentatious and expensive, and the plan of promoting education by admitting natives to liberal employment has this financial advantage, that it not only involves no additional expense, but will secure much economy. The other benefits, on which it must be needless to enlarge, are far more important. On whatever side indeed we regard the question, there is equal ground for the persuasion, now happily very general, that our native fellow-subjects must be admitted to offices in all departments, of much higher responsibility and emolument than they are now permitted to enjoy, and in no branch of affairs is the application of the principle likely to be more beneficial than in the administration of justice, though it must be confessed that in none are greater difficulties to be encountered.

22. As far as concerns civil suits, little difference of opinion seems now to exist. Those who would withhold from natives the jurisdiction of cases of large amount, do, in fact, give up to them so large a share of the field, that, were it not for the vice of the principle and its degrading tendency on those whom all desire to raise, the remainder would scarcely be worth fighting for. I have no doubt indeed that there will soon be a general concurrence of opinion that for the settlement of disputes of civil right between man and man, the primary jurisdiction in all cases, of whatever amount, ought to be vested in natives, as soon as fit men can be found, and there seems to be little reason to suppose that they will not be every where forthcoming on the offer of an adequate remuneration. The advantages presented by the Sudder station of the European judge in point of publicity, a main security against maladministration, render it apparently desirable that all cases should be tried there, in which the loss of time to the parties and their witnesses (this, if arrears be kept down, need not be great) may not offer a decidedly preponderating objection. Cases in which Government or the community are mainly concerned on one side, when not tried by the European officers, ought all to be brought to that place; because the risk that the public interests will be sacrificed to those of the individual must be very great where there is no public spirit in the community. Civil suits, in which the amount at issue is considerable, should be similarly disposed of

conclusion that, consistently with the principles of that statesman, a large addition to the number of criminal judges, not charged with the executive police, is indispensable; yet those who have thus caused the magistrates to encroach on the courts of gaol delivery, seem to have been unconscious of any violation of the constitution of 1793.

* I apply this term of course to magistrates when employed, as at this presidency they are very extensively, in the trial of persons charged with criminal offences.

(13.) Minute of Holt Mackenzie, Esq. 1 October 1830.

of, at the option of either of the parties, because the loss of time to parties, and witnesses is in them comparatively unimportant, and may be compensated out of the matter in dispute: And but for a consideration of the inconvenience to which suitors and witnesses in trifling cases would be put if there were no courts excepting at one place in our extensive districts. I should like to see all suits brought to the Sudder station, especially those of the poorer people, for the suits of the rich have the best chance wheresoever they may be tried, and it is when the rich are opposed to the poor or to Government, of which the interests have rarely a zealous defender, that jealousy is specially called for. Then, though we must probably have judges in the interior of the districts, care should be taken not to strew them * too thickly over the country, especially if the emolument of each is to be reduced in proportion as their number is increased.

23. If it were possible, I would confine the native judges to original † suits, making all cases appealable to the European judge; and if one could hope that the general result would confirm the statements given from certain districts of Madras, by which it appears that less than one-fifteenth part of the appealable cases determined by the district moonsifs were appealed, it would not be extravagant to anticipate the establishment of such a system.

24. At this presidency I fear we cannot generally speculate on such a result. We must therefore probably admit into the system native judges of appeal for the minor and more numerous cases, reserving a right of special appeal to the European judge.

25. In the criminal department many appear to have a strong repugnance to any considerable extension of the powers of native judges, yet in this department also it seems to be essentially necessary, that they should have the trial of a number of cases that now occupy the time of the European officers, if, without an inordinate expense, we would enable the latter actually to discharge the duties that nominally belong to them, and obtain the satisfactory administration of criminal justice; nor will it, I imagine, be difficult to provide a security against the abuses which are apprehended. These, I suppose, to be the corrupt condemnation of the innocent, and the corrupt acquittal of the guilty; no one, I believe, anticipates any want of capacity in the natives. The reasons, therefore, that naturally influenced Government in determining what cases should be referred to the young assistants of magistrates, have no proper application to the case of native judges; and it was probably through inadvertence that the criminal functions of our sudder ameens were adjusted by the standard assumed in Regulation III. 1821; I see no sufficient reason why it should not be competent to the zillah judges to refer to the native judges all cases which they are themselves competent to decide, nor indeed why the magistrates also should not exercise a similar discretion, when they deem it advantageous, to refer cases brought before them directly to the native criminal court. The selection of cases for trial by those tribunals ought to be guided by other considerations than that merely of the stated heinousness of the crime, the point being, not as in the case of our young assistants, whether they are likely to err with honest intentions, but whether they are likely wilfully to pervert the course of justice. Of course the native judges should act in entire subordination to the zillah courts, and in their case, as in that of all courts of primary jurisdiction, it may be very proper to take the severity, and especially the irremediable nature of a sentence as a ground for requiring a reference, before execution, to a higher tribunal. A similar security it appears to me to be in many cases reasonable to provide against wrong acquittals; though that is, I apprehend, a principle less likely to meet with favour. Sentences to corporal punishment may already, I observe, in some cases be passed by the native judges, and both at Madras and Bombay it is the native revenue and police officer, not the moonsif, that exercises criminal jurisdiction in the interior of the districts. This last arrangement is, I think, objectionable in principle, though circumstances may outweigh the objection; all criminal trials should, I conceive, be as far as practicable confined to places where an European judge or magistrate is stationed; stripes should not be inflicted without reference; and the courts of the moonsiffs or native judges will surely be better tribunals than police officers, if we must have any tribunals for the punishment of petty offences in the interior of a district.

26. In extending the powers of native judges, various checks, in the way of reports, revisions, new trials, and the like, will naturally suggest themselves as requisite, on which it would be superfluous now to enlarge; but if they be treated liberally, and with respect, and their superiors be fit men, I see no reason to fear that they will fail to do their duty. Our moonsiffs are generally said to be bad, and the reason is plain; they are most of them miserably paid, and that not by fixed salaries, but by fees. The experiment of appointing beggarly judges to administer justice to the poor, who are most exposed to injustice, could have only one result. It will be better to leave the people to themselves than thus to open shops for the sale of decisions. The expense of employing respectable men need not alarm us, if indeed, in such a case there can be any hesitation on the score of expense; for we are not to measure the salaries required by natives with our own. Taking the ordinary price

* I think the objection of distance is generally pressed too strongly. Delay is the main grievance, and a day's journey need not greatly add to this. The miscellaneous executive duties, which native judges in Bengal are required to perform, should be separately considered.

† The number of summary suits should, I think, be much restricted, if indeed the distinction between them and regular suits need be at all maintained. But on this point, as well in regard to the circumstances under which new trials should be granted, whether to try the same or different issues, one could only hope to do justice in a detailed disquisition, which would now be out of place.

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price of food and wages of labour, I should assume, for those whose habits do not require imports from Europe nor expensive equipages, that the rupee in India is equivalent to eight shillings in England, and the more the exchange is against the former, the higher probably will silver rise in relation to commodities.

27. On this basis we may deduce the following comparison of salaries:—

Per Mensem.	Rupees per Ann.	£. Sterling.	Per Mensem.	Rupees per Ann.	£. Sterling.
5	60	24	175	2,100	840
10	120	48	200	2,400	960
15	180	72	225	2,700	1,080
20	240	96	250	3,000	1,200
25	300	120	300	3,600	1,440
30	360	144	350	4,200	1,680
40	480	192	400	4,800	1,920
50	600	240	450	5,400	2,160
60	720	288	500	6,000	2,400
70	840	336	600	7,200	2,880
80	960	384	700	8,400	3,360
100	1,200	480	800	9,600	3,840
125	1,500	600	900	10,800	4,320
150	1,800	720	1,000	12,000	4,800

28. As we advance to the higher grades, it becomes of course necessary to look to other considerations* than those above indicated; the wants to be provided for being more complicated, and the nature of the calculation is one not admitting of a minute accuracy. The table, however, will, I think, be useful for reference in all discussions relative to the allowances to be assigned to native judges and other native functionaries; and if it be not strangely erroneous, it may suffice to show that very extensive financial advantages may result from the more extended employment of natives. At this presidency, I am of opinion, that with an average allowance of 3,000 rupees a year, we may command an abundant supply of excellent talent for duties which, in an European functionary, cost at the rate of 30,000; and that with good control, there will be no want of other qualifications. Here is a gain of ten to one. The local jurisdiction of the native judges must of course be finally settled by the local officers, and even as to their number, one can hardly venture to lay down any absolute rule. I suppose them to be relieved from the petty executive duties now thrown upon moonsiffs, and to be paid wholly by fixed salaries, considering that mode of remuneration to be on several grounds preferable to the plan of allowing fees; and conceiving that the due execution of duty, even if indolence were more to be apprehended than it is, may be sufficiently secured by the fear of losing office, if the salary be adequate, and by the hope of promotion with a graduated scale of emolument; advancement being made to depend on the number of decisions, and the fewness of appeals and reversals. None, I think, should get less than 100 rupees a month, and for a Bengal zillah of average population, wealth, and litigiousness, the following are the numbers and the rates of salary that have occurred to me. In several districts more will be requisite: in the unsettled districts comparatively few will suffice.

4	at	100	-	-	-	-	400	-	-	-	-	4,800
4	at	150	-	-	-	-	600	-	-	-	-	7,200
2	at	250	-	-	-	-	500	-	-	-	-	6,000
2	at	500	-	-	-	-	1,000	-	-	-	-	12,000
12	-	-	-	-	-	-	2,500	-	-	-	-	30,000

Of the above, I suppose eight to be stationed in the interior as moonsiffs, with power to try, like the district moonsiffs of Madras, original suits in which the value at issue may not exceed 250 rupees. The rest to be at the Sudder station, with authority to hear appeals from the moonsiffs, and to try original suits of a higher value, being also employed in the trial of criminal cases committed to them by the magistrate, or referred by the judge. With such a native judiciary establishment, and with the power of referring from one to another, or of associating two or three of them, with or without juries, for the investigation of cases where the measure may seem to be advisable, I have little doubt that a single European judge

* We must exclude from any such scheme those who retain the profuse habits of the old nobility of the country, they and their retainers requiring probably an income greater than is necessary to meet the wants of our European officers; and we must look chiefly to the learned classes and men of business; but of course when men can be got, combining with hereditary rank or influence, the other qualifications necessary for a judge or arbitrator, their services will be very valuable, and an increase of pay for the office will not operate to their exclusion. I would only call to mind the remark, that in a country governed as this is, there is no room for that native nobility of office, which, as far as concerned the individuals, generally gave place, under native governments, to fresh adventurers with sharper swords or keener spirits; and I may further observe, that I doubt whether with native habits wealth is as essential to rank as with us, excepting when the rank implies military command over troops raised and paid, as almost all native troops were, by the commanders.

judge will be able to cause civil and criminal justice to be adequately administered to at least 1,000,000 or 1,200,000 people, excepting where the population is scanty, or communication difficult, or other circumstances unfavourable; and this, although the magistrates be almost wholly deprived of their penal powers, and the zillah judges be clothed with such powers to the extent to which they are now exercised by the courts of circuit. I have already stated reasons why I consider the union of judicial functions, properly so called, with the charge of the police to be unobjectionable; and it seems to me that many very important advantages would result from giving to the zillah judges the trial of all cases now committed to the circuit courts. It will tend to economy and the convenience of the community, not less than the grand objects of securing the prompt release of the innocent and the more certain conviction of the guilty, will be equally promoted, by getting rid of the artificial delays necessarily resulting from the plan of having half-yearly, quarterly, or even monthly sessions. It is especially to be desired that the criminal court should always be open.

29. I do not think it a good plan to have auxiliary or assistant judges, excepting as an expedient for preventing or bringing down arrears, for we thus in effect constitute an ill-paid judgeship to be held generally by some inferior man, or some man of inferior standing, whose place I should conceive we may have better filled by a native; and we break in upon the principle which ought to be followed in determining what appointments shall be given to natives and what to Europeans. The notion that such offices are necessary or useful as a means of instructing European officers in judicial business, which I observe has been stated, seems to be an erroneous one. It is a little hard upon the people whose interests are thus exposed, like the vile body of some wretched animal, to the bungling operations of an untaught practitioner, and we may surely assume that the functions of a magistrate and collector will afford sufficient room for the exercise of all the talents necessary to a zillah judge. The over-technicality which is apt to attach to men educated to the law and not otherwise versed in public affairs, seems to be a defect rather than an excellence on the bench; and the mere distinction of legal principles may be sufficiently maintained by the tribunal of ultimate appeal, even though they should sometimes be overlooked in the courts below. If too the auxiliary judges are not to perform all the duties of judges, they break in upon the consistency of the system, they occupy a position which in my view ought to belong to natives, and in so far as they interfere with the immediate trial of the more serious cases, they will operate to continue the inconvenience which results under the system of circuits from the want of a tribunal always sitting to dispose of such cases in the manner best calculated to promote the ends of justice. If, on the other hand, they are to perform all the duties, civil and criminal, of other judges, the question is one of salary, and the economy would I think be a very false one. I am clear indeed that it will, at least for a long time to come, be expedient that judges should pass through the offices of magistrate and collector, and on that ground, as well as with a view to the importance of the office, their salaries ought to be on a higher scale. No qualifications can well be too high for him who is to discharge the duties of a judge; as on their proper discharge the permanent welfare of the country must ever mainly depend. In the existing state of things, both in the revenue and police, a constant and minute interference being necessary, the duties of these departments cannot perhaps be reckoned much less important or difficult; so long, however, as the security of the civil rights of the people does not rest on the administration of good and clear laws by good judges, we must admit things to be in rather a barbarous state, and gradually therefore I should hope that the necessity for such interference will cease, and that the police and revenue business will assume the same character as it possesses in almost all other civilized countries. But every step the country may make in the progress of improvement, the office of the judge must become more important; and to this truth we ought perpetually to revert, for many things in our system operate unhappily to cause the administration of justice, apart from police, especially civil justice, to be considered as of secondary importance; whereas it is, I apprehend, of primary importance even as concerns the peace of the country and those other purposes of police to which the duties of the judge are so often postponed. Important and difficult as I regard the duties of a judge, I do not at all apprehend that the service, unless patronage at home be greatly abused, will not afford a sufficient number of fit men to discharge them, if we do not needlessly multiply European courts, nor neglect to make due use of our native subjects, since, as above intimated, under a proper system, one judge ought I think to suffice, where local circumstances are favourable, for 1,000,000 or 1,200,000 people. Some of our Bengal districts are stated to contain more than 2,000,000 *, and under the proposed plan the judges can scarcely fail to become much more efficient to the discharge of their required duties. The office of Registrar, I confess, I am sorry to see abolished; because I think that, properly regulated, it would add to the efficiency

* The degree in which the files of some civil judges are loaded beyond what even the existing law renders necessary may be estimated from the following facts from a Statement for the Jungle Mehals, which I received in August 1829: it appears that 1,616 cases were depending before the zillah judge; whereas, had the inferior courts been fully employed, his file need not have exceeded 81; so of 1,200 cases pending before the Burdwan judge, it appears that all but 204 might have been otherwise disposed of. In Hoogbly, where the extent of litigation seems greatly to exceed that of the Jungle Mehals, the judge had only 108 cases depending in his court, of which 70 were original suits. Although, therefore, no change of system were proposed, the mere fact that there is a stoppage of justice in many quarters would not prove that there are not European judges enough, and to spare; but increase of numbers is the easiest mode of meeting the difficulty.

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efficiency of the courts, and would be a good school for young men before being vested with the charge of a substantive office. The practice of giving the registrars large judicial powers is no necessary part of the system; but, as explained in our letter to Government, the financial exigencies of the time, and the indispensable necessity of providing an increased number of good native courts, appear to require its abolition. That the zillah courts may always be in activity, and to provide for occasional pressure of business so as to prevent the accumulation of arrears, it might be advisable to have one or more assistant judges in each division, to be ordinarily employed in the districts where business is heaviest, in deciding cases referred to them by the judge, either singly or in conjunction with one or more native judges, and to be ready to proceed without delay to any other district in which their services might be needed; such an establishment, however, may be considered as altogether subsidiary to the regular courts, and cannot of course be required so long as there are any unemployed servants qualified to discharge the office of judge.

30. As to the local jurisdictions to be assigned to the several zillah courts, (and the observation is still more applicable to the magistracies), it must be confessed that we have not the information necessary to a completely satisfactory determination on the point. The schedules will show, in so far as the covenanted officers are concerned, what appears to be advisable under the information we do possess relative to the extent and population of the several provinces, and the judicial and revenue business to be transacted in each.

31. In the administration of civil and criminal justice, there does not appear to be any call for the same degree of promptness of intervention on the part of the superior authorities, as seems to be requisite in the management of the police and the collection of the revenue. The grades of the European courts may therefore, I conceive, be unobjectionably and expediently reduced to two; one authority of control over the European district judge being sufficient and all that ought to exist, and the gradation of courts of original jurisdiction, courts of appeal in right, and courts of special appeal, fitly taking the place of the executive directing and controlling authorities which I have above proposed, to provide for the conduct of revenue and magisterial business. At this presidency the provincial courts of appeal as civil tribunals, have generally been considered inefficient. The number of judges was far too great to give anything like an assurance that the appeal from the zillah judge would be to a superior man, to say nothing of the mode in which they were selected. Even when there was superiority of talent, there was generally inferior knowledge. The seniors who remained at the Sudder station were not the best men. The others were too much distracted with their circuit duties to be able efficiently to discharge those of a civil judge, which cannot be properly executed without study and reflection, expecially if we expect fixed principles and general views; so that from the very constitution of the courts one might have anticipated crude and hasty judgments, often wrong in individual cases, rarely if ever tending to fix the law. The number of the judges too was sufficient to prove that many must have been unfit for so important a duty as that of deciding, as they frequently had to decide, in the last resort. Their frequent changes gave a great opening to abuse on the part of the omlah, and the system was manifestly injurious to parties having just grounds of appeal, for whose benefit the courts were established, since a single voice might affirm the decision complained of, whereas a judgment of reversal by a single judge left the appellant where he was; and with men not of active minds, when not influenced by passion, there will generally be a bias to the side of affirmation. I have little doubt therefore that the abolition of these courts will be a general benefit, though in Bengal some of the above objections have ceased to exist. It will certainly be financially beneficial, though a very liberal provision be made for native judges out of the sum saved by the abolition of the provincial courts, and seeing no advantage in having such courts as tribunals of intermediate appeal, and great mischief in having them as tribunals of the last resort, I am clear that they ought to be abolished.

32. On the duties properly belonging to the courts of ultimate appeal I need not enlarge. If, of all European officers the functions ought to be those of general direction and control, rather than a detailed ministry to the wants of individuals, with peculiar force does the principle apply to the highest judiciary tribunal. The Sudder judges should of course be men specially selected for their talents and acquirements. Nothing can be so absurd or mischievous as to have a court of appeal, and above all the highest court, filled by chance or by the rule of seniority, which is perhaps worse than chance.

33. In the civil department I would not give an appeal of right to the Sudder in any case*: for it is impossible that they can try all appeals; and the principle of admitting appeals of right according to the sum adjudged or disallowed, seems to me to be a bad one. A single case of no particular importance is thus often allowed to occupy the time that would suffice to correct 10 or 20 wrong decisions, or by the establishment of a general rule to provide for the settlement of hundreds, and the Sudder Court is led away from its main business, which is that of making others decide rightly, and of fixing general principles, rather than of labouring themselves in the determination of individual cases with a view merely to individual interests. I do no think it advisable that their interference should be restricted by express law. The frequent changes which have been made at this presidency, in sometimes opening and sometimes closing the door against special appeals, seems to show

* The Parliamentary provision regarding appeals to England might, I think, be expediently rescinded; whether the King's Courts and Sudder should be brought together, is a question we are scarcely at liberty to discuss.

show what indeed might *à priori* have been predicated, that it is impossible to anticipate all the circumstances under which it may be necessary for the supreme controlling court to interfere, in order to prevent cruel injustice, or the denial of justice. Government must therefore, I think, rely on the discretion of the sudder judges; taking care that such men are selected as possess the knowledge and the judgment requisite to regulate their interference on proper principles. They should of course frequently substitute for the admission of an appeal a direction for a new trial, especially when facts may appear to be doubtful, or when the issues tried in the court below may not involve the whole merits of the case; and by this means, to say nothing of other advantages, a single judge will be able to effect much more towards the distribution of justice, and consequently fewer men will answer, and expense will be saved.

34. In the criminal department, it may suffice if the Sudder Court reserve the absolute decision of all cases which involve a sentence of death or imprisonment for a period exceeding 14 years, or in which, if less serious, they may see special reason to interfere; gradually, indeed, I do not see why the district judges might not be intrusted with the trial of all criminal cases, excepting the very few which on political grounds it might seem expedient to reserve for the Supreme Court, especially if a jury system were established; and in the absence of juries the judges of neighbouring districts and the commissioners of revenue and police might, when it were thought proper to have more than one European judge, be joined in the commission.

35. In the criminal, as in the civil department, I would leave to the Sudder Court a large discretion in the exercise of its remedial powers; and I do not think that any variety of opinion as to the precise authority to be exercised by the several tribunals will affect the general scheme.

36. Supposing a system for the administration in the interior to be established as above, it will remain to be considered whether the court of ultimate jurisdiction in civil and criminal cases shall be the same authority as that which is to exercise a general control over the revenue and police, and this in countries which are not permanently settled, in which consequently the courts must at every step be met by circumstances wherein they have no authoritative rule, and in which the revenue officers must necessarily exert a very extensive interference with the private concerns of the people. I would decidedly answer in the affirmative, for reasons which I have above stated. It seems to be almost impossible otherwise to establish a consistent system by which the rights of the people and of the Government shall be duly secured; and the darkness and confusion of which we complain in Bengal appears to be a consequence of the plan we have hitherto followed, from which we could have escaped only by a scheme of revenue management that would virtually, though not in name, have excluded from the jurisdiction of the courts almost all matters touching the landed property of the country. Convinced that the union of powers in the superior grades of the judicial and revenue establishment will be thus advantageous, I would further observe, that it will go far to remedy, and that unobjectionably, I conceive, any inconveniences which may be experienced from their separation in the inferior ranks, at least in cases wherein instant decision is not required, because the inconsistencies and jarring of two inferiors, subject to a common chief, can readily be set right; consequently, if it be thought objectionable on principle to vest the subordinate revenue authorities with the power of deciding disputes touching land and rent, the jurisdiction in such cases may much more safely be trusted to a separate civil judge if the court to which the decisions of the judge are appealable be the same authority by which the revenue administration is controlled. Thence I conclude that the last-mentioned authority should be united with that of the Sudder Court, for all districts in which the settlements are still temporary; and if their jurisdiction as a civil court were confined, as I think it ought to be, to the admission of special appeals and the directing of new trials, and their powers in criminal cases to those exercised by our Nizamut Adawlut, a single court could, I imagine, supposing the district judges to be good men, undertake the control of the officers of both departments within an extensive and populous province.

37. In the permanently settled districts the control of the police and revenue had better, I conceive, be kept distinct from the administration of justice, excepting in so far as both belong to the Government, for in such districts the two things have little or nothing in common; the functions of the revenue officer taking quite a new character, and the business of the judge being extensive and difficult in proportion to the wealth of the people, the reasons in favour of a division of labour become strong, while the considerations on the other side gradually lose their force.

38. As to the general control of the revenue administration and police, all will probably agree in thinking that it should rest with Government, or in the hands of persons acting immediately as its organs or confidential advisers. I am not less strongly persuaded that whether the sudder judges exercise revenue powers or not, it would be very advantageous to the country, where they may not be actually the members of Government, that they should act in much closer communication with it than has been usual in Bengal; that, in short, the powers of the court should either be exercised by the members of Government as now constituted, or that the judges should be considered as a committee of the council.

39. I have already noticed how little the practice of Lord Cornwallis justifies the arrangements in defence of which his authority is usually cited; nor is the principle of separating the judicial from the political power justified by the constitution of our own country, still less by the system adopted in the colonies. It is plain indeed, that if the court of final jurisdiction act in ignorance of the general views of the Executive Government of the country, it must frequently fall into very great errors. Now the measures of our Government not being

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being publicly discussed, its principles and views can only be fully known to the members of it, or to those communicating confidentially with them, and having full access to the records; hence alone a sufficient reason for maintaining a close connexion between the Sudder Court and the Government, even though the practice of places differently circumstanced were, which it is not, opposed to the union. Nor is the matter one of theory only; several instances have occurred in which the Sudder Court of this Presidency have from the above cause been opposed to Government; and in all such cases of opposition the result must be less of due weight and authority to one or other, and probably loss of influence to both: further, the Sudder Court has a number of duties which do not ordinarily belong to judicial tribunals, to the effectual performance of which the most intimate union with Government would greatly conduce; and even in the decision of cases of the most common occurrence, the want of due information as to the designs of Government in regard to private rights will not unfrequently lead into error; but the great and radical evils of such an *imperium in imperio* throw into the shade all minor inconveniences. The reasons assigned for the great change effected here in 1801 and 1805 are altogether insufficient to justify it. The real cause, want of leisure, could easily have been obviated by other means, and it would, I think, be a great improvement to revert to the system of 1793, with the modifications rendered necessary by the extent of our dominion; in other words, whether the authorities of revenue and judicial control be united or be kept distinct, the Sudder Court should be the chief judicial board or committee under Government. It should, I think, report all decrees before they are issued, and all sentences of death and perpetual imprisonment, their decision being, however, conclusive as to the facts; and its English correspondence, on all points of general interest, should be sent up to Government.

40. At present the court is under no adequate control: it is, in fact, more independent of control than the Government, the judges not being responsible for the consequences of their acts, however politically mischievous, not being touched by public opinion, nor in civil matters subject to superior authority. The appeal to England is practically nugatory as a security to good government, and the court is much less useful to the home authorities as a check upon misgovernment than the board; but by accounting more fully to Government*, it would, through its reports, serve every purpose of that kind much more effectually than it now does, and at the same time it would be subject to what all judges should be subject, —some efficient check to mal-administration. The establishment of a court so entirely free from check is indeed an unexampled tyranny; and their duties are such, that unless we suppose them entirely exempt from the love of ease, passion, and prejudice, we must be satisfied of the necessity of their being controlled in order to prevent injustice, and still more the denial of justice to the people.

41. At Madras, and still more at Bombay, the comparatively limited extent of general business which falls upon the Government enables it doubtless to exercise a closer control than is here possible over the acts of the court; and that control may be very efficient, though not sanctioned by strict law. The effect too of a ryotwar settlement, annually revised, obviously is to take from the civil courts the largest share of the functions that would otherwise belong to them; for, directly or indirectly, the revenue officers in making such settlements must settle or prevent disputes, which with us occupy by far the largest share of our civil files. Still it is in nature that the judges, or some of them, should gradually aim at an independence of the Government, which, however excellent in a free country, where it is accompanied by dependence on public opinion, must, under the present circumstances of India, lead to much mischief; and I am satisfied therefore of the expediency of bringing sudder judges at all the presidencies into the position of a subordinate board or committee of the Government, the members of Government, where their other avocations permit, taking a share in the business. It does not occur to me that if the proper functions of all classes be kept distinctly in view any serious difficulty will be found to oppose the adoption of such an arrangement. The main business of the court of ultimate appeal, as of the revenue controlling authority, is to maintain just general principles, and to see that the acts and orders of the subordinate tribunals are not on the face of them repugnant to justice or sound policy. With questions of fact, not of general application, but relating merely to the accidents of individual cases, they can have little to do; and of course the Government must, in regard to such questions, rely implicitly upon the report of its sudder judges and commissioners. Hence to discharge its part will require no laborious exertion; whereas now, with a strange mixture of distrust and confidence, it labours uselessly on many trifling details, and leaves many of the weightier matters of civil administration unheeded or uncontrolled. In the revenue department it is not necessary to define very accurately the powers to be vested in the controlling authority. Even when separate, it will generally act in immediate communication with the Government, and the extent of its independent powers must in some degree depend upon the leisure which the members of the Government may have or make from other avocations. It is assuredly most desirable that those who are mainly responsible for the good order and prosperity of the country should devote much of their time and attention to its internal administration both in the judicial and revenue departments, which, though less pressing, is certainly not less important than many matters that now in a great measure throw into the background questions affecting most nearly the improvement and happiness of the people.

42. There

* I will not now stop to inquire how far these remarks would apply to a court holding its proceedings in English, having English pleaders and an English audience, with reporters for the English journals.

42. There is an important question discussed in the recent letter from the Court of Directors on which I shall now briefly touch, though the ability with which the matter is there handled leaves little room for further argument. I cannot however omit the opportunity of remarking, that the observations which I have been compelled to make during a service of more than 13 years in the situation of territorial secretary, have led to a decided conviction, that the public interests would be essentially promoted by substituting universally single commissioners for collective boards in the superintendence of the officers employed in the civil administration of the country.

43. Of the Boards of which I have had experience the business has generally been done, when well done, by a single officer, sometimes the secretary, sometimes a member. Occasionally the leading member has derived great advantage from the aid of the secretary, but I remember no instance in which the conduct of business has appeared to be improved by the concurrence of two members. There are several reasons, I think, why the case should be so. We are apt to be misled by the notion that numbers are conducive to deliberation, and it was not long ago argued that our western Board was useless as a deliberative body, because the members did not meet to transact business together; now, if by deliberation were meant personal consult, the assertion was of course a mere truism; but the same thing might in effect have been predicated of that board when all the members were at the same place, and of all the other Boards in respect to all the most important questions decided by them. They did not, they do not, meet to discuss matters involving an extensive range of research, or the consideration of complicated interests. The main purpose of their regular meetings, and these the Mofussil Boards rarely held even when at the sudder station, was to settle numerous trifling points of detail, in which all having concurrent jurisdiction, all were required to take a part, or rather perhaps I should say, to sanction the proposals of their secretary in regard to such points. The necessity of meeting for such a purpose may well be questioned, especially considering the charge which Government incurs on account of every hour of the official time of such higher paid functionaries. Sometimes, no doubt, they would thus adjust differences of opinion on more important points. But this I regard not only not as an useful, but as a positively mischievous consequence of personal communication, since in a multitude of cases it implies a compromise inconsistent with the truth; in others it gives the preponderance to the worst cause, there being in the country unfortunately little to enlist any active passion on the side of right; and if it sometimes may have saved Government from trouble, and secured an appearance of peace, the advantage must often have been purchased at the expense of the people, and the apparent unanimity must always have been likely to be followed by actual discord. Men of sense and candour and temper, with a due respect for each other, will readily adjust all differences of opinion that ought to be adjusted, whatever may be their mode of communication (the danger is that they will yield too much to deference and affection), and the indolent, the prejudiced, and the passionate (the risk of their being employed is of course increased by numbers) will not, I fear, be found more useful when forced into personal collision. Moreover, deliberation and debate are very different things; for the useful application of the latter to public business, there is not, I conceive, any place in this country; everywhere its use is rather to enforce an attention to the public sentiment than to promote the cause of truth, and deliberation must depend chiefly on the workings of individual minds. I do not mean altogether to deny the advantage of oral discussion, but both theory and experience induce me to rate it low in the case of Boards, and in every other respect it seems to me that the members composing them are likely to deliberate to better purpose when acting separately than when thrown together. The materials of thinking (I mean facts) are to be supplied by the local officers, still more by the people. If closed to them the public officers must become the sanctuaries of error and ignorance, where names will usurp the place of things, and infinite mischief and misery may prevail while all is apparently smooth and prosperous; and it is precisely the class of facts which it most behoves the Government and the authorities of general control to know that in this country is most likely to be kept back from a body of which the members wanting individual power cannot inspire individual confidence. Under any circumstances, indeed, I should think that facts must be best gathered with a system of unity. To congregate officers is like hunting in couples; for we thus require all to have the same information, or we subject the opinions of the well-informed to the judgment of those who are without knowledge; and in proportion as members of Boards are required to act together, the field of each must be enlarged, and the chance of their discovering the truth must be diminished. This objection applies of course with peculiar force to the authorities that are placed immediately above the collectors and magistrates; but it may also be justly urged in regard to those whose function is that merely of general control, at least at this presidency; for it is scarcely possible that any single man or body of men can master the questions that must arise in a Court or Board controlling the judicial and revenue affairs of the countries between Chittagong and the western extremity of the Delhi territory; and at Madras and Bombay, though the limits be comparatively narrow, and I would chiefly lay stress on the necessity of having separate commissioners of revenue and police, the chances are greatly against the same man's having such correct or complete notions of matters in the Northern Circars and in Malabar, or of the state of things in Guzerat and Darwar, as it is desirable that sudder judges and commissioners should possess, to say nothing of the number of individual cases.

44. I need scarcely observe how much is lost in the quantum of work done by employing collective bodies. Not only will two or three when tied together not do twice or thrice the work of an individual acting singly, but it is almost certain that the fruits of their united

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labours will fall short of what each could have himself produced. In such a case, two and two certainly do not make four.

45. If our Board failed when the members were allowed to act separately, it was not because they consulted too little, but because they were compelled to consult too much; from the insufficiency of the powers which they were authorized to exercise singly.

46. It is supposed probably that a collective body is able to exert a more rigorous control, and with less of personal feeling than an individual; I do not think that experience justifies the notion, on the contrary, where single officers have been employed, there has been, I think, not only more energy, care and consideration on the part of the controlling authority, but more ready obedience and hearty co-operation in the subordinates. The former indeed must, in such a case, feel the responsibility attaching to him in a degree that can never be looked for in collective bodies. He will pursue his plans without being compelled to mutilate them in order to meet the scruples of less informed colleagues, or to neglect them in attending to foreign matter. In differing from his subordinates, a single functionary will ordinarily be careful, as far as his judgment goes, to have the right side of the question. He will convey the expression of his dissent in terms the least likely to offend, because, acting singly, he will always be alive to the probability of offence. In proportion to the interest which he takes in the successful administration of the affairs intrusted to him (and on this score the individual with undivided praise and blame has infinitely the advantage) he will exert himself to guide and aid and conciliate those who have to execute his orders. He will thus have every inducement to make the most of good men, without any countervailing motive for sheltering the bad. He will understand clearly, and therefore state his views distinctly, free from the doubts that beset the half measures into which collective bodies are always more or less liable to slide. What he does will be his own without any opening for counteraction, excepting by a distinct reference to superior authority; whereas in a collective body the efficient member is often considered by those under him, sometimes by his colleagues, as an usurper of powers which he is not entitled, or at least not required, to exercise; and the discipline of their subordinates is sacrificed, even when there is no play of jealousy and intrigue, because they oppose the energy of individual excitement, to the comparatively languid interest with which the common concerns of a co-operation are usually regarded.

47. It is also, I imagine, supposed that as the controlling authority must have the power of overruling decisions of the executive officers, it is therefore necessary to provide a plurality of voices. In this, I think, there is not a little fallacy. If indeed we put inferior to control superior men, it is not easy to say what principle can fitly apply; but on the opposite, and only rational supposition, there seems to be no good reason for refusing to the voice of a single commissioner that preponderance which ought to belong to his station; with a contrary plan, we, in fact, place superiors and inferiors nearly on a footing. It is the number, not authority, that decides. Further, I should say, that the judgments of superiors which confirm decisions of their subordinates are by no means those most entitled to respect. If the latter put their case tolerably well, it is an even chance that the concurrence of the former will be gained without his having really employed any mental exertion; deference, indolence, and the love of peace will constantly carry the day, if furnished only with a plausible pretext; whereas, when one differs from another, it is almost certain that the grounds on which the notions of both rest will be sifted, and it is probable that the ultimate decision will be the result of a fair view of both sides of the question.

48. In their judicial proceedings, which must often be very important, the members of the boards have always, I believe, acted singly; and the requisition of two voices to alter or annul the decision of an inferior, of which I have thus endeavoured to show the error, has formed consequently the only ground of connection between them.

49. But then it is urged, that the power of the directing and controlling boards is too great to be trusted to single men. Now to this I answer, that with collective bodies it constantly happens that the real power belongs to one individual; and this he exercises without the check of individual responsibility. Need I say more in proof that the system which is preferred, as a security against misconduct, is in fact most open to abuse. Is it not certain that all corporate bodies, and that just in proportion to their numbers, are liable to imputations, which in the case of individuals would overwhelm the guilty with disgrace? It must also be recollected that, especially in our service, the check of the controlling and the subordinate authority is mutual. Both have the privilege and the duty of accounting for their acts, and assuredly it is executive officers who best possess the means of exposing error, when it does occur, to their common superior.

50. Further, let it be observed, that in regard to police and revenue affairs, where there is most room for discretionary power, and consequently error, the system I have advocated of a triple gradation of functions, the executive, the directing, and the controlling, constitutes, in fact, for each district a Board of three members, not, it is true, of equal rank and authority, but not the less qualified perhaps on that account really to discuss and deliberate, nor the less likely to promote the cause of truth and justice.

51. I confess, therefore, that I am strongly persuaded that Government would gain greatly if it substituted for the collective Boards and Courts commissioners acting immediately as its confidential advisers, whether with or without the intervention of secretaries; and unless the opposite opinion is clearly the right one, considerations of economy ought surely to predominate in favour of the view I maintain. Not only will fewer members suffice, but the secretariat and other staff (if I may use the term) which is usually attached to boards and collective courts may be considerably diminished.

52. With the Persian proceedings of the Boards (and in the revenue department they are very

very important) the secretary has, I believe, little or no concern: and as to the English correspondence, I see no reason to think that a member of a Board or Commissioner ought to experience any difficulty in managing his office, as the secretaries to Government do, with the aid of uncovenanted writers. I suppose of course that he is duly qualified, and has time to discharge the duties that belong to him; because of the value of a secretary, if a man of superior talent, in a board, or with a commissioner overworked, or otherwise incompetent, there can be no question. Of course single Commissioners as well as Boards may have covenanted assistants attached to them, and they probably would make better use of them, and afford them better instruction. The same observations will apply, with little change, to the Sudder Court. The measures necessary to preserve consistency of proceeding, which are equally necessary under the present plan, that renders final the judgment of one man when he concurs with the court below, may easily be arranged; and it must always be recollected that consistency and uniformity are very different things.

53. On the whole, looking in the revenue and police departments to what is wanted for the purposes of local administration, direction and control, and proposing to have in the judicial department courts original, appellate and corrective, the following is the outline of the offices I should like to see established. The number of each class of offices must of course depend on the extent and nature of the country to be governed, and the number and character of the people.

First. For police and revenue, each village or parish to have its police and revenue officer, being the head man, howsoever denominated; or where the village system has been broken down, some person selected by, or appointed in conformity to the wishes of the people. He will of course be a native. In great zemindaries, those especially that are permanently settled, he may or may not be the person employed to collect the rents of the zemindar; but all business connected with the Government revenue should certainly be in his hands.

54. The same for each muhullah or minor division of cities and towns.

55. Each pergunnah or other convenient aggregate of villages, each considerable town, and, where necessary, the larger sections to the principal cities, to have similarly a magistrate and collector, to whom of course the former should be subordinate in all matters relating to police and public revenue. In the selection of men for this post also (they likewise will, with rare exceptions, be natives) every possible means should be taken to ascertain and follow the wishes of the people. For each large city and the adjoining pergunnahs for each district or section of a district, according to the density and other circumstances of the population, an European magistrate and collector, with sub-collectors and magistrates for particular tracts requiring sub-division, and deputies in places where the detail business of the sudder station is peculiarly heavy.

56. For each circle of districts, a commissioner of revenue and police.

Secondly, For the administration of civil and criminal justice.

57. In each circle of pergunnahs (the extent to vary according to the wealth and number of the people), a native judge.

58. In each district an European judge, with several native judges: and thirdly, for the joint control of both departments, sudder judges and commissioners.

59. The last-mentioned functions I propose to have united only in districts not permanently settled. The control of the revenue and police in permanently settled districts ought to rest with the Government and its secretaries; but until Bengal be put under a distinct government, we must, I think, allow one third commissioner of revenue and police, or add to the secretariat; and for the salt and opium and miscellaneous branches of revenue, I would have a distinct commissioner resident at the presidency.

60. To the above establishment of paid officers I would gradually add juries, by which word I would be understood to mean, anybody selected indifferently from the respectable inhabitants of the district or place where the cause is tried, to arbitrate*, advise or decide, without reference to the particular number employed, or the precise nature of their functions.

61. It seems to me quite impossible, that we should by any other means attain the knowledge of facts necessary to anything like a prompt and pure administration of justice. Greatly as our system may be improved, by the more liberal admission of natives to offices of trust and emolument, it seems to be certain that the officers appointed by us will, for a long time to come, be far too great strangers to the mass of the community, to be much influenced by public opinion. Though it may possibly in some places be found impracticable to have a larger infusion of popular principle, they will ordinarily be put over the people as arbitrarily as ourselves, and the means of controlling and correcting their abuse of power must be proportionately defective.

62. In the zillah courts had we angels instead of men for judges, those tribunals, if required to try matters of fact in the cases coming before them, will still be, as they notoriously are, inefficient. We may establish new courts, we may exact new laws, we may multiply or simplify forms, and our officers may, as many with a generous ardour do, waste their strength and sacrifice their lives by labours, to which the toil of a galley-slave is ease; but

* The Bombay Regulation seems very wisely to have left the question of the powers of juries undefined. Different districts will require very different measures, and though independent juries must be the growth of time, the institution will not therefore be useless in its immature stages.

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but any thing like complete success must be unattainable while the people stand aloof or are neglected. Life is too short for the formal investigation of all the points of which the knowledge may be essential to the just decision of the simplest case; and if we conclude that all attempts to gain the co-operation of the people will fail, the inference seems to be inevitable, that no rational hope can be entertained of administering civil justice. I trust, however, it will be found that there is no sufficient ground for so unhappy a conclusion; where the experiment has been tried and failed, it seems to have been so tried as to make failure certain. The punchayets have been left to all their native irregularity and inefficiency; they have been regarded as substitutes for, not as aids to, the regularly trained judges; they have been kept distinct from and almost placed in opposition to the tribunal of the British officer, instead of being controlled and directed and supported. The selection of the members seems, in many cases, to have been made in a manner entirely vicious. In still more numerous instances, have the preliminary inquiries, through which alone the varieties of local circumstances could be provided for, been wholly neglected; for in this, as in other matters, we are too apt to reason as if the people of India had been cast in one mould, and to act as if they were machines, with no affections to enlist or passions to gratify, merely because they are patient and submissive. They have been denied assistance no less than instruction; they have been expected to attain excellence, not by the slow process of self-instruction, through which nations every where learn wisdom, but at once, and at our bidding; and they have been said to fail when, on the face of all these and other disadvantages, they have not commanded a preference over high paid and powerful, and favoured courts. They have, I imagine, had to contend every where with the hostility of our native officers, to whose domination any such tribunals, once fairly established, would oppose a powerful check; but through whom, unfortunately, our functionaries are generally compelled to learn almost all they know, and to execute all they order, in this as in other branches of their business.

63. From any general scheme suddenly introduced I should hope for little good. A Regulation of Government may destroy, but it never can create, or even maintain, such an institution. It must arise out of the people themselves, encouraged and aided by the European officers who govern, or ought to govern, the districts. It cannot of course be expected that all of these should be qualified for such a duty; and that any of them may be fully qualified, it seems to be essentially necessary that they should have a much more accurate knowledge than is generally possessed of the people under their authority. They will then be able to discover the real nature of the materials with which they have to work, and it is therefore, I should say (paradoxical as it may appear), that the best chance of freedom for the people of India (I mean of course that measure of civil liberty which may consist with political subjection to a free nation) will be attained by sacrificing many of the forms, and by abandoning, in regard to the higher offices of control, the system of divided authority, which have hitherto been relied upon as securities for good government. Of the other presidencies, I cannot of course speak: of many parts of the country under this presidency I must speak doubtingly. I should expect that in most of the districts of our Western Provinces there will be found a great number of men in whom the community will confide infinitely more than they do in any of the natives we arbitrarily put over them; who, with suitable encouragement and respect, may be made to render us invaluable aid in the administration of the details of government; and who, if not always able to decide accurately themselves, will at least afford, by their co-operation, a great security for the attainment of just and satisfactory decisions.

64. There must not of course be any attempt suddenly to introduce what we desire to establish every where, or in many places at once. If in a hundred years the object be attained, there will be abundant glory for our country. Nor must we think of tying the people down too strictly by forms: much must be left to the discretion of judicial functionaries, with the general understanding, that, as their leading principle, they are to study and follow the wishes of the people.

65. Even in Calcutta, I suspect, if we wish the jury* scheme success, the judges must be content at first to proceed in a way which it may startle lawyers to mention. They should select and invite respectable natives to sit with them as assessors, to aid their decision in matters of fact. From the absolute denial of any share in the administration of justice to the concession of independent authority is too great a stride. Still more preparation will be necessary in the interior, if we desire the people to assist us either in framing or administering the laws; and we must particularly guard against the error of regarding punchayets or native juries as a substitute for courts. Into this error many seem to have fallen; one party extravagantly maintaining the excellence of tribunals, which were but the shifts of a semi-barbarous people, under the neglect of equally barbarous governors; another rejecting them as utterly worthless, because beset with the defects inseparable from such a state of things; both regarding them in the position of entire separation from our judges, European and native. Nor has it been less common for us to look merely to the present hour, forgetting the necessarily slow progress which almost all useful institutions, and especially popular institutions, connected with civil government, have made to perfection; and not observing the manifest superiority of every scheme which has a constant tendency towards improvement, by sowing the seeds of it in the soil of the country, over any plan, the excellence of which depends exclusively on individual character. At present, on the departure

* I am surprised that the natives were not first admitted to the grand instead of the petty jury, if indeed the former be an institution that ought to be maintained.

departure of a good judge or collector, nothing remains but the few decisions or orders he may have passed in particular cases; and even these his successor may indirectly nullify. A bad man restores the reign of chaos: for the omlah are the only class that derive practical instruction from the example of their chief, and those, besides that they are often as great strangers as ourselves, are too feeble to oppose, even if they desire it, any barrier to misrule; and the evil may be very great before it will show itself to superior authority in a tangible shape. On the other hand, with a more popular system, (I need not stop to observe how much facility to the discovery of misgovernment would be found in the existence of popular institutions), there might be planted in the community, by the wisdom of one man, institutions, and rules, and habits, and mode of conduct, which would survive through generations, which the misrule of no individual could altogether destroy, and which would at once revive under the influence of a kindred spirit.

66. If it be objected to our plans, that they involve much change, I can only say, admitting the expediency of making all alterations gradually, that here at least great changes appear to be indispensably necessary, nay unavoidable. Every where indeed, the causes of change are at work; and the real question is, not how things can be made stationary, but how mischievous, or mischievously sudden, changes are to be avoided. In arguing for change, too, I would not rest upon the existence of slight evils, such as must every where prevail, nor upon any vain hope of sudden improvement, such as is no where likely to be realized. But it appears to me that the existing evils are very great; that many of them may be traced immediately to the system of government; and that that system contains within itself no elements of improvement, but is calculated to perpetuate and aggravate the mischiefs of a foreign and military domination. If not hated by the people, we are at least without the slighest hold on their affections: from Benares upwards the fact appears to be generally admitted, and within those limits lies almost all the military part of our population. This seems, it may be proper to remark, to have no connection with the permanency of the settlement, on which the very few who were interested never probably relied, and of which the great body of the landowners never heard; of some thousand petitions which I received when in the Western Provinces, (at Bareily alone I had 500 in a few days,) and of many tens of thousands of petitioners whom I saw and talked with, not one touched upon the point. Nor is it, I conceive, to be accounted for by the mere circumstance of our being foreign conquerors. On this side of India at least the number of those who can ever have regarded us as conquerors is very small. The great body of the people had for centuries been accustomed to the dominion of foreigners, and the feeling evinces itself in a manner to show that, generally speaking, it is the system rather than the individuals who conducted it, that is the object of aversion; still less, I fear, can we flatter ourselves that, as seems sometimes to be thought, our unpopularity is only of such extent and kind as might naturally be expected to follow the administration of impartial laws in a country where various classes had been accustomed to domineer over their fellows.

67. Without denying that some of the dislike under which we labour is inseparable from the position we hold, much must, I conceive, be charged to measures and arrangements by no means necessary of adoption. Nothing can be more striking than the scorn with which the people have been practically treated at the hands of even those who are actuated by the most benevolent motives; for, since the world began, there is probably no example of a government carrying the principle of absolutism so completely through the civil administration of a country, if that can be called civil which is in its spirit so purely military; nay, which sets the people aside in the management of their own concerns much more than the sepahee in the government of the army. The principle pervades every act, from the highest exercise of legislative power to the appointment of the meanest public officer. But of all the consequences of our errors I would attach most importance to their effects on the village associations, which form the great bond of society throughout so large a part of India, but which have been greatly misunderstood and disturbed. These institutions seem to afford one of the most important of all the instruments we could use to insure the good government of the country and the comfort of individuals. Without them, or some substitute similarly resting on popular principle, we must, I fear, have a miserable and disunited people, whom it is scarcely possible to govern otherwise than as the slaves of our native servants; whereas with them, these men might, I conceive, be made, really servants of the public; at the same time that our judges and magistrates would assume their proper station as governors, according to their several degrees, in all they ought to govern, and would leave it to the people to transact, with their protection, support and control, the innumerable concerns of civil life, which they alone can tolerably administer. One cannot too often recur to the principles which ought to restrain us from the error into which we constantly fall of doing too much, both legislatively and executively, under a government which excludes the idea of political freedom. The best chance for anything like civil liberty is to be found in narrowing the sphere of its interference, and extending that of popular tribunals; absolute power may thus be made consistent with much civil liberty, and this in large and divided nations, with no risk of political disturbance; but laws arbitrarily imposed by a despotic government can have comparatively little effect in checking the abuse of power, except as they restrict the occasions of its being exercised; and it seems to be vain to think that we can by any legislative provision secure the community from extortion and vexation, if we once allow, or require the government officers to interfere perpetually on the minute details of the people's business. We have unfortunately acted on an opposite principle, interfering in almost every thing, neglecting popular institutions where they exist, and never attempting to create them where wanting. We have trusted to laws as a check upon subordinate

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officers which have operated almost exclusively as shackles upon the controlling authorities, or occasions of fraud to the few among the community who knew of them.

68. No time should be lost in correcting this error: we should especially use every endeavour to revive and maintain the system of village or parish government, (to prevent abuse by the head men, when placed on a proper footing, will not apparently be difficult,) and we should gradually extend the principle by the use of other local associations of a wider sphere and higher function. We may thus, with a true economy, infinitely facilitate the administration of affairs, prove ourselves great benefactors to the country, and possibly, with moderation in our taxes, secure the attachment of the people, and so remove one great cause of our military expenditure.

69. In using the words "moderation in our taxes," I must explain, that where the contract system prevails, the mere lightness of the Government demand will go for little towards securing attachment, or producing happiness, unless we protect the great body of the community from our revenue officers and engagers, and from our police. In several districts are to be found combined the most extravagant sacrifices of the public revenue with most glaring violations of private rights. From our unhappy ignorance, and the influence of corruption, it frequently happens, that where the Government dues have been most extensively relinquished there the body of the people are most oppressed and wretched. Nor, though exaction is under our own, as under all native governments, the grand evil to be cured, must we confine our views to that object: our whole system of law and the mode of its administration requires to be carefully revised, with a full advertence to the feelings and circumstances of the people, and every possible means should be taken of ascertaining what they desire, and feel and think, before laws are passed affecting their interests. From the want of such precautions, and from too much and too hasty legislation, several of our laws, which are in appearance calculated to secure the rights of the people, have, in their application, without due knowledge, to countries of vast extent, and to persons standing in a great variety of social relations, been perverted to the destruction of their dearest properties and privileges; the mischief of a bad law going infinitely beyond the tyranny of individuals, the worst of whom are likely to be in some degree checked by shame, or remorse or fear.

70. If indeed I were required to give an opinion as to the practical influence of our code in the Western Provinces (the effect of our administration is a very different question), I should say, that just in proportion as it has been enforced, have the people suffered. Of the Ceded Districts, those within, or immediately adjoining the jurisdiction of the Benares' Provincial Court, have been most cruelly outraged. As we proceed further to the west we find fewer symptoms of the operation of our code, and the people better secured in their rights and properties; and in the Delhi territory, though the people have, I suspect, often been in many cases over-taxed, and though, when we acquired the country, their habits were particularly lawless, the state of things seemed to me to be far more satisfactory than in any of our Regulation districts. The cause appeared to be, that the administration had been conducted in a much more popular spirit than had prevailed elsewhere, and this just in proportion to the apparent arbitrariness of the power exercised by the European functionaries. The institutions of the people had not been destroyed, their properties had not been forcibly alienated, their natural leaders had not been slighted; they had been really ruled by British officers, and the native officers, if corrupt and oppressive, had no mysterious legal provisions to facilitate or shelter their mal-practices. The natural leaders of the country had been known, and encouraged to make themselves known; they had been cared for and heard, even when subjected to excessive assessments; there had been no robbery or confiscation under laws and processes which they could not read, and which reading they could not understand. In one word, they had in a great degree governed themselves; the power of the European officers, though arbitrary, not being exerted in a spirit of meddling and minute interference. Accordingly, throughout the Delhi territory the petitions of the people referred to matters wherein, if injured, redress, by a simple order of government, could be afforded; over-assessment might be abated; the head man's allowance, arbitrarily withheld, might be granted; unjust resumptions might be relinquished; the means of irrigation might be improved or secured; the burthen and annoyance of strange watchmen might be abated. But on this side the Jumma quite a different state of things presents itself; for there the omlah are comparatively everything, the English gentlemen little, the people nothing. Regulations are enforced and forms observed, but no one can say with what practical result. The real is constantly quite opposite to the apparent result; many thousand villages were alienated under all the modes of fraud and folly set forth in the 1st Regulation of 1821; and large communities sold, as if they had been cattle, for the default of their directors; no one, from government downwards, being able to say precisely what was sold. A strange, arbitrary and unreasonable force being given to the mere record at settlements, made in confessed ignorance, the revenue authorities held themselves bound by their own acts to maintain men of straw and paper as renters, while the courts frequently refused to interfere, on the ground, that unless possession were disturbed there was no judicial cognizance; though exclusion from the Government engagement might rob the possessor of all the profits that gives land a money value. Instead of taking the people as they existed, we forced them into all incongruous positions to meet inapplicable laws; and their properties were necessarily thrown into a state of indescribable confusion, from a system of revenue management conducted without judicial investigation, and of judicial decision without revenue knowledge. Every zillah, consequently, presents a great number of wrongs, which every one sees ought to be redressed, but for which the most skilful regulationist can scarcely tell the injured in what shape they are to seek redress; and the people are bewildered amidst the various opinions and principles of the public officers. We are everywhere met by people complaining of the

authorities set over them, and the authorities complaining of the people. The longer we have had the districts, the more apparently do lying and litigation prevail; the more are morals vitiated; the more are rights involved in doubt; the more are the foundations of society shaken; the more has the work of civil government become a hopeless, thankless toil, unsatisfactory as to its immediate results, hopeless as to its future effects. With this impression of our past management I cannot, I confess, be very scrupulous in advocating change, though far from urging precipitate change; and the main principle of the change to be adopted clearly must be the admission of natives to a much larger share of the civil government, and the practical adoption of the often-avowed maxim, that the proper purpose of European agency is general direction, check and control, not the executive ministration of details.

71. The Statement marked (A) will give a general idea of the manner in which I would propose to apply the principles above stated to this presidency; of course it is to be received only as a sketch, and the estimate of expense must be considered open to correction. In the MS. Collection.

72. The result may be stated as follows:—

COVENANTED OFFICERS to be employed in the Judicial and Fiscal Administration of the Bengal Presidency, above the Rank of Ordinary Assistants.

			S. Rs.	
Sudder Judges and Commissioners, Western Provinces	3	9 at	60,000	5,40,000
Sudder Judges, Lower Provinces	4			
Sudder Commissioners of Revenue, Lower Provinces	2			
Commissioners of Revenue and Police	12		42,000	5,04,000
Judges (including Ramghur)	41		36,000	14,76,000
Collectors and Magistrates	54		30,000	1,62,000
Sub-collectors	21		18,000	3,78,000
Deputies	15		12,000	1,80,000
Head-Assistants to Collectors and Magistrates	54		8,400	4,53,600
Secretaries to Sudder Judges and Commissioners	9		12,000	1,08,000
Total	215			52,59,600
Average	24,436.			

73. Now in the places in question we at present have the undermentioned officers of analogous rank, exclusive of the resident at Delhi, the collector of sea customs at Calcutta, and his deputy, the salt agents of Tumlook and Hidgelee, the opium agents in Behar and Benares, the superintendent of Sulkea Golahs, the special Lakenaj commissioners, the commissioner in the Soonderbunds, the commercial servants and officers in the miscellaneous department at the presidency; all of whom I propose we should consider separately.

	Judicial and Judicial Fiscal:		
5	Sudder Judges	Rs. 2,61,000	
5	Registrars, &c.	73,200	
14	Provincial Judges	5,04,000	
21	Commissioners	8,82,000	
5	Principal Assistants	1,56,000	
46	Judges and Judges and Magistrates	13,80,000	
12	Magistrates	2,20,000	
1	Judge, Magistrate and Collector	36,000	
5	Collectors and Magistrates	1,50,000	
1	Ditto for Calcutta	36,000	
2	Salt Agents, Collectors and Magistrates	72,000	
1	Salt Agent and Collector	36,000	
47	Registrars	3,94,800	
10	Ditto and Joint-magistrates	1,27,200	
1	Ditto and Assistant to Judge, Magistrates and Collector and Magistrate	12,000	
3	Sub-collectors and Joint-magistrates	58,100	
179			43,98,300
	Fiscal:		
3	Members of Sudder Board	Rs. 1,56,600	
4	Secretaries, &c.	91,200	
2	Board of Customs, Salt and Opium	1,04,400	
3	Secretariat	54,200	
47	Collectors in the Interior	14,10,000	
1	Collector of Inland Customs and Town Duties Collection	31,200	
10	Deputy and Sub-collectors	1,20,000	
4	Salt Agents and Collectors	1,44,000	
1	Superintendant of Salt Chokees	19,200	
8	Head Assistants	67,200	
83			21,98,000
262	Grand Total	Rs.	65,96,300

74. There

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74. There thus appears to be a fair prospect of saving 47 officers and 13,36,700 rupees, supposing the plan above sketched to be carried into effect. If the resident at Delhi can continue the Sudder judge and commissioner of the first division, there would be a further saving of *Rs.* 60,000, but this I do not now reckon upon, thinking it likely that Government will make some entirely new arrangement of the political duties of that residency.

75. I originally proposed to make an addition of about 10 per cent. to the judges and other higher offices, in order to provide for the contingencies of occasional pressure of business, absence and sickness. But it has since occurred to me that with such a provision the proposed establishment could not fairly be compared with the present, which contains no such reserve.

76. I may take the opportunity, however, of noticing the advantage of having some supernumeraries ready to be employed in keeping down arrears of suits wherever they may accumulate; the object seems to be of paramount importance in all courts with an appellate * jurisdiction; any delay in the decisions of which will always more or less operate to occasion embarrassment throughout the inferior tribunals, and must otherwise be mischievous in promoting vexatious litigation, and leading to useless expense on the part of Government, and still more by the community.

77. It may be proper to remark, that the above arrangements will cause the average allowances of the officers specified, to fall somewhat short of the existing rate of those for which they are substituted; and though the effect of this upon the service generally will be counterbalanced by reducing the number of assistants as hereinafter proposed, it is not an effect I was at all desirous of producing; for so long as European officers are employed in the several situations specified, it is very important to continue their allowances on a liberal scale. With this impression, and considering it to be proper that the maximum salaries of the highest officers under council should equal those assigned to puisne judges of the King's Courts, (if indeed these should not be Company's servants), I have ventured to propose for the offices in question, 60,000 instead of *Sa. Rs.* 52,200 †.

78. In the course of time it seems that the number of officers employed may be decreased; but on this we cannot immediately speculate. We must indeed add to the above list a certain number of junior assistants to be attached to the commissioners and to collectors and magistrates: but for this the service, as it now stands, will afford more than an abundant supply.

79. The civil auditor informs me that there are now 150 junior assistants and collegians, drawing together *Rs.* 6,55,200 ‡. Of these 21, drawing *Rs.* 1,00,800, may be set apart as being required, under the existing system, to fill a corresponding number of registrarships stated to be at present vacant; there will remain 139 receiving *Rs.* 5,54,400.

80. Now the number of civilians employed above the rank of junior assistants in offices not falling within the scope of the above schedule, is given in the statements last received from the civil auditor at 82, including 22 of the Commercial department and three employed at Madras; adding this number to that of the schedule, we shall have for the aggregate of civilians actually engaged in the service, above the rank of junior assistants, 297, or, omitting the Carnatic commission, which is soon likely to cease, 294. If we suppose nine gentlemen to retire annually, and, as is likely, the casualties to average seven per annum, there will be an annual demand of about 16; and a supply of junior assistants sufficient to meet that demand for three years, or 48, with an allowance of the same number in college, in all 64, would apparently suffice. The vacancies occasioned by gentlemen taking furlough may be expected, one year with another, to be filled by those who return; no allowance on that account therefore seems to be necessary; and the strength of the service ought not therefore, on the above suppositions, to exceed 358. It actually consists of 473, or, excluding the Carnatic commissioners, 470; and the supply of junior assistants and collegians would apparently suffice for more than four years, besides the supernumeraries in the higher rank of the service.

81. Now if we allow a moiety of the 48 assistants to receive 500, (they may after 18 months service be very useful assistants to the collectors or sub-collectors), and the other half 400 rupees a month, there will be a saving under this head of *Rs.* 2,37,600 §.

82. If

---

* The small number of cases decided by the superior courts sometimes makes us overlook the point; whereas, in truth, an increased arrear of a single case in the Sudder Dewanny Adawlut may, in reality, throw business back more than many hundred cases would do in the lower courts, and it would be well if, in the statements rendered to Government, the arrears were designated not only by the number of cases, but by the probable period required for their decision.

† The salary of the King's puisne judges here is *Sa. Rs.* 61,200. The average salary of the judges of the Sudder Court, as originally constituted, was *Sa. Rs.* 56,666; or, *St. Rs.* 59,216, or *Fy. Rs.* 60,333.

‡

96 Assistants	- - - - - - - -	4,60,800
34 Collegians	- - - - - - - -	1,94,400
		Rs. 6,55,200

§

Present charge, as above	- -	5,54,400
24 × 6,000 =	1,44,000	
24 × 4,800 =	1,15,200	
16 × 3,600 =	57,600	
		3,16,800
64	Saving - -	2,37,600

82. If, however, the maximum of *Rs.* 60,000 be adopted for the above offices, it will probably be necessary to make a correspondent addition to the salaries of the three secretaries to Government and to the accountant-general; hence an additional charge of *Rs.* 31,200, leaving the ultimate saving *Rs.* 15,43,100.

83. The establishment of covenanted officers would, on the above plan, stand as follows: viz.

215	Judicial and Fiscal, as above	*Rs.* 52,59,600
20	Judicial and Fiscal officers not included in the schedule	7,24,400
17	Political	5,82,200
22	Commercial	6,62,400
20	Miscellaneous	6,12,000
64	Assistants and Collegians	3,16,800
358		81,57,400

giving an average of *Rs.* 22,786; or excluding the Commercial department, with which we have no immediate concern, we have an aggregate of *Rs.* 74,95,000, drawn by 336 officers, giving an average of *Rs.* 22,306.

84. It remains to consider the native establishments.

85. I have, it will be seen, put down 421 * native judges, which though perhaps some alteration in the distribution may be proper, would appear to be a sufficient complement. The aggregate salaries will then amount to *Rs.* 10,52,500 per annum.

86. The salaries now received by the moulavies, pundits, and other Sudder aumeens amount to *Rs.* 3,55,900, and the accountant informs me that in the past year the fees received by the moonsiffs amounted to *Rs.* 2,18,000 †, giving a total of *Rs.* 5,73,900; adding to this *Rs.* 20,685 on account of that portion which is paid in Calcutta sicca rupees, we have the sum of *Rs.* 5,94,585 to set off against the above charge of *Rs.* 10,52,500. The excess of the latter *Rs.* 4,57,915 deducted from the saving above-mentioned, leaves a net gain from the arrangement, of *Rs.* 10,85,185, exclusive of the saving which will result from the discontinuance of the establishments belonging to the provincial courts, to the adawluts of the districts which are united with others, and to the registrars, which may be stated at about *Rs.* 4,10,544.

87. In speaking of the other presidencies, I cannot of course pretend to the same precision; I add the schedules chiefly to exhibit the plan in its general application, without imagining that in the details it can be otherwise than wanting many essential amendments.

88. The following is the establishment proposed for Madras:—

3	Sudder Judges and Commissioners, at	*Rs.* 50,000	*Rs.* 1,50,000
6	Controllers ‡ at	40,000	2,40,000
14	Judges at	35,000	4,90,000
20	Collectors at	30,000	6,00,000
11	Sub-collectors at	19,200	2,11,200
6	Deputies at	12,000	72,000
4	Secretaries to Sudder at	12,000	48,000
20	Head Assistants to Collectors and Magistrates at	8,400	1,68,000
84			19,79,200
		Add, for Mysore	6,000
			19,85,200

Average - - - - *Rs.* 23,633.

89. At present we have, after taking credit for the reductions recently proposed to the Madras government, the following establishments to do the duties for which the above would provide:—

Judicial

* In many of the districts the number of moonsiffs employed appears to be quite excessive, and many of them are employed in duties which a mohurir might do as well.

† Several of the moonsiffs are also cazees; the emoluments derived by them as such may be taken at about *Rs.* 35,000; and although we cannot entirely reckon upon this fund, because some of the men, though sufficiently capable as cazees, are not probably very good judges, and it would not be proper to adopt any principle that should give a preference to Moslems, excepting on the score of ability, it will yet, I imagine, more than suffice to cover any errors or contingencies not foreseen.

‡ Of these I suppose one to look after the affairs, of which the charge is now confided to the resident at Mysore, with an addition of *Rs.* 6,000.

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Judicial and Judicial and Fiscal:

2	Sudder Judges	*Rs.* 98,000	
7	Provincial Judges	2,80,000	
3	Sudder Registrars, &c.	46,450	
12	Judges of Districts	3,36,000	
6	Assistant Judges	1,08,000	
19	Collectors and Magistrates	6,19,400	
12	Sub ditto	1,72,800	
19	Head Assistants	1,68,000	
90			18,28,850

Fiscal:

3	Members of the Revenue Board *	*Rs.* 1,47,000	
4	Secretary, Deputy and Assistants	52,680	
1	Collector of Madras	36,482	
1	Deputy	16,378	
1	Collector of Sea Customs	33,317	
1	Deputy	20,730	
1	Assistant	10,250	
1	Resident at Mysore †	60,000	
13			3,76,837
103			22,05,687

Average - - - - *Rs.* 21,414.

90. We may therefore calculate upon a saving of 19 officers, and of *Rs.* 2,20,487 ‡.

91. The number of subordinate assistants and students appears to have been reduced considerably since this paper was originally written, the latest return showing only seven of the former and 10 of the latter. Instead therefore of a saving, it will apparently be necessary to allow a small increase under this head: for it seems to me, on the principles applied to Bengal, that we should require 24 persons of this class §, and at the rate of pay above specified we should have an aggregate charge of *Rs.* 1,18,800. Now the gentlemen above referred to are stated to draw *Rs.* 63,525 only ‖, and we should, on the calculation now submitted, have to add seven to the number, and *Rs.* 55,275 to the charge.

92. The establishment of covenanted officers at Madras would then be as follows: viz.

84	Judicial and Fiscal	*Rs.* 19,85,200
1	Political	28,000
6	Commercial	2,12,950
12 ¶	Miscellaneous	4,05,330
24	Assistants and Students	1,18,800
127		27,50,280

Giving an average of about *Rs.* 21,655.

93. We shall thus, I imagine, have abundant funds to meet any increase it may be thought necessary to make in the allowances of the native judges.

94. For Bombay **, looking to the population, the extent and the revenue of the country, it appears to me that the following establishment would be appropriate:—

Two

* This supposes the maximum salary of *Rs.* 49,000 to be given to all.

† I suppose this residency to be put on the same footing with the others.

‡ If this appear inconsiderable, it will be recollected that when the scheme was first proposed, the Committee had not entered on the revision which led to the reductions recently resolved upon.

§ 9 × 6,000 = 54,000
9 × 4,800 = 43,200
6 × 3,600 = 21,600

24	1,18,800

The above rates, exceeding those now established, may require to be reconsidered.

‖ 7 Assistants - - - - - 27,240
10 Collegians - - - - - 36,285
Rs. 63,525

¶ This supposes the secretaries to Government and the accountant-general to get the maximum of *Rs.* 50,000.

** These salaries should be raised as the wealth of the country increases; and should the Supreme Court as a separate tribunal be abolished, or rather consolidated with the Sudder, and the island of Bombay, with the cities of Madras and Calcutta, be placed each under a single judge, the addition of another judge to the Sudder or presiding Court of Appeal will probably be necessary.

2	Sudder judges and commissioners, at 45,000	90,000
3	Controllers, at 35,000	1,05,000
7	Judges, at 32,500	2,27,500
9	Collectors and magistrates, at 28,000	2,52,000
6	Sub-collectors and magistrates, at 19,200	1,15,200
2	Sudder secretaries, at 12,000	24,000
9	Head-assistants, at 8,400	75,600
1	Judge, magistrate, and collector, at 32,500	32,500
39		9,21,800

Average, 23,636.

95. According to Mr. Bax's plan, 40 officers above the rank of assistant would be employed in the situations in question, (exclusive of the revenue survey,) at a charge of rupees 9,86,000. The assistants specified in his schedule amount to 33, drawing rupees 1,85,000, or on an average about 5,600. It seems to me to be very important to limit the number of assistants and other subordinate covenanted civil servants as much as possible; for every such servant employed in duties which a native could do as well, beyond what are required to be so trained for higher duties, is the occasion of needless expense, and, by lowering the average of emoluments, in a certain measure degrades the service. I should think that 15 or 16 assistants and students might suffice for Bombay; and if we allow them to draw the same average as in Bengal and Madras, we shall have, on this account, a charge of 79,200 rupees *.

96. The Bombay service will then stand as follows:—

39	Judicial and fiscal	9,21,800
7	Political	1,00,000
3	Commercial	87,599
12	Miscellaneous	3,33,342
16	Assistants and students	79,200
77		15,21,941

Average 19,765.

97. By the latest statement I have seen, the Bombay civil service appears to consist of 124 persons, drawing an aggregate of rupees 17,42,448, or an average of about rupees 14,052.

98. The arrangement therefore above suggested, while it produces a considerable saving of expense, would ultimately prove beneficial to the individuals composing the service.

99. The immediate effect, however, at all the presidencies, is to render a number of officers supernumerary †, and it seems to be desirable that the attention of the home authorities should be early directed to the subject; for to all the presidencies they seem to be sending out more writers than are wanted, even supposing no change of system to be made.

100. The result of the whole, as regards the expense incurred on account of covenanted servants, may be summed as follows:—

	Reduction in the number of Civil Servants.	Diminution of Charge.
Bengal	112	10,85,185
Madras	12	1,65,212
Bombay	18	1,70,000
Total	142	14,20,397

101. At

* 6 × 6,000 = 36,000
6 × 4,800 = 28,800
4 × 3,600 = 14,400
16 79,200

† Many of the supernumerary officers might, I should think, be expediently employed in conducting inquiries regarding lands held free of assessment, which, for the interests of the revenue, the improvement of the country, and the quiet of the people, it is very desirable to set at rest. It may also deserve consideration whether some of the officers in question might not be advantageously employed as advocates before the sudder judges, and of course several situations now held by military men should, as vacancies occur, be restored to the civil service.

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101. At Madras and Bombay the native judges appear to be already better paid than here; and though, perhaps, the habits of the people and the political circumstances of the country may render it expedient to adopt (particularly at Bombay) a higher rate of salaries than I have above submitted, it will not apparently be necessary to incur any large additional expense on account of those officers, whose numbers should not of course be multiplied unnecessarily; and in revising our native establishment, I expect to show hereafter that a saving may be effected sufficient to provide liberal pay for the head men, whom the collectors and magistrates must employ in the details of their office. But the object of this Paper being rather to discuss general principles than to enter on a minute application of them, I shall not extend its already wearisome length by further remarks or suggestions.

102. I shall conclude with a brief comparison of the revenues, supposed population, and the charges to be incurred on account of civil functionaries, at the three presidencies.

103. The population may in a general way be stated as follows:—

Bengal	50	or as	10
Madras	15		3
Bombay	5		1

Revenues.

Bengal	125	or as	5
Madras	50		2
Bombay	25		1

104. The inhabitants of this part of India would thus appear to be lightly taxed, in comparison with those of the other presidencies; and should an increase of taxation be indispensable for the stability of the general concern, we must probably look chiefly to Bengal, notwithstanding the surplus it already yields. On the other hand, in proportion as the people are numerous and wealthy, it may be reasonably expected that the charges of their civil government, especially those for administering justice, should be great; and a reference to the vast amount of property in litigation before our courts will show that, in respect to wealth, the subjects of this presidency exhibit all that superiority which the permanent settlement and lightness of taxation would lead us to anticipate. If, then, the charges of our establishment of civil servants shall not exceed the ratio of the population, it must, I conceive, be regarded as proportionately very moderate.

105. Now, if we take the Bombay establishment of judicial and fiscal officers, as above proposed, at rupees 9,21,800, the ratio of the population would give us 27,65,400 for Madras, and rupees 92,18,000 for Bengal; whereas for Madras I have proposed only a charge of 19,85,200, and for Bengal 52,59,600. Again, if we take the aggregate establishment at rupees 15,21,941, we should have for Madras 45,65,823, and for Bengal, rupees 1,52,19,410; whereas I have proposed that they should stand at rupees 27,50,280 and 81,57,400 respectively.

106. The charges of Madras and Bengal are more nearly proportioned; still comparative cheapness appears to be on the side of this presidency.

107. Thus the charge of rupees 19,85,200 would, in the proportion of the population, give us a charge of rupees 66,17,333, instead of 52,59,600; and that of rupees 27,50,280, a charge of rupees 91,67,600, instead of 81,57,400.

108. The main end of all government being the good of the people, I am justified, I think, in concluding that whatever defects there may be in my plan, (and there are, doubtless, many), they are not to be attributed to any undue partiality to this presidency.

Calcutta,
1st October 1830.

(signed) *Holt Mackenzie.*

BENGAL WESTERN PROVINCES.

SUDDER DIVISION.	Circles of Revenue and Police Commissioners.	District Judges.	Magistrates and Collectors.	Joint Magistrates and Sub-Collectors.	Deputies.	Native Judges.	Commissioners of Revenue and Police.	Sudder Judges and Commissioners.
Delhi, Agra and North Doab.	Hansi	–	1	–	–	9	1	
	Paneeput	1	1	–	–			
	Seharunpore	–	1	–	–			
	Moosuffernagger	–	–	1	–			
	Meerut	1	1	–	1	9		
	Bolundshahur	–	–	1	–			
	Total of Circle	2	4	2	1	18	1	1
	Delhi	1	1	–	–	9	1	
	Rohtuk	–	–	1	–			
	Goorgron	–	1	–	–			
	Ally Ghur	–	1	–	–			
	Sydabad	1	–	1	–	12		
	Agra	–	1	1	1			
	Total Circle	2	4	3	1	21	1	
	Total of Sudder Division	4	8	5	2	39	2	1
Central Doab and Rohilcund.	Etawah	–	1	1	–	9	1	
	Mynpooree	1	–	–	–			
	Serpoorah	–	1	1	1	9		
	Furruckabad							
	Belah	1	1	1	1			
	Cawnpore							
	Total of Circle	2	3	3	2	18	1	1
	Shahjehanpore	–	1	–	–	9	1	
	Bareilly	1	1	–	1			
	Pellebheet	–	–	1	–			
	Surwan	–	1	–	–			
	Moradabad, S. D.	1	1	–	–	9		
	Nuggenah, N. D.	–	–	1	–			
	Total of Circle	2	4	2	1	18	1	
	Total of Sudder Division	4	7	5	3	36	2	1
Allahabad, Bundlecund and Benares.	Futtehpore	–	1	–	–	9	1	
	Allahabad	1	1	1	1			
	Banda, S. D.	–	1	1	–	9		
	Kameerpore, N. D.	1	1	1	–			
	Total of Circle	2	4	3	1	18	1	1
	Mirzapore	1	1	–	–	9	1	
	Isanpore		1	–	1			
	Benares	1	1	–	1	9		
	Ghazeepore	1	1	–	–			
	Azimghur	–	–	1	–	9		
	Goruckpore	1	1	–	–	9		
	Total of Circle	4	5	1	2	36	1	
	Total of Division	6	9	4	3	54	2	1
	GRAND TOTAL, Western Provinces	14	24	14	8	129	6	3

BENGAL CENTRAL AND LOWER PROVINCES.

SUDDER DIVISION.	Circles of Revenue and Police Commissioners.	District Judges.	Magistrates and Collectors.	Sub-Collectors and Joint Magistrates.	Deputies.	Native Judges.	Commissioners of Revenue and Police.	Sudder Judges.
Central Provinces.	Sarun	1	1	–	–	6	1	1
	Shahabad	1	1	–	–	6		
	Patna	1	1	–	–	4		
	Behar	1	1	–	–	6		
	Ramghur	1	–	–	1	6		
	Tirhoot	1	1	–	–	12		
	Purnea	1	1	–	–	–		
	Malda	–	–	1	–	15		
	Total of Division	7	6	1	1	55	1	1
Moorshedabad.	Moonghyr	1	1	1	–	6	1	1
	Bhaugulpore							
	Dinagepore	1	1	–	–	15		
	Rajishye	1	1	1	–	12		
	Patna	–	–	–	–	–		
	Buggorah	–	–	1	–	–		
	Rungpore	1	1	–	–	15		
	Moorshedabad	1	1	–	1	8		
	Beerbhoom	1	1	–	–	8		
	Nuddia	1	1	–	–	12		
	Total of Division	7	7	3	1	76	1	1
Presidency and Cuttack.	Jungle Mehals	1	1	–	–	9	1	1
	Burdwan	1	1	–	–	18		
	Hooghly	1	1	–	–	14		
	24 Pergunnahs, N. D.	1	1	–	1	16		
	Suburbs		1	–	–	–		
	City, S. D.		–	–	1	–		
	Jessore	1	1	–	–	14		
	Bangundee	–	1	–	–	–		
	Balasore	1	1	–	–	–	1	
	Cuttack		1	–	–	8		
	Khordat		1	–	–	–		
	Midnapore and Higlee	1	1	–	–	10		
	Total of Division	7	11	–	2	89	2	1
Dacca	Dacca Jelalpore	1	1	1	1	10	1	1
	Dacca							
	Mymensing	1	1	–	–	15		
	Sherepore	–	–	1	–	–		
	Backergunge	1	1	–	–	6		
	Sylhet	1	1	–	–	15		
	Assam	–	–	–	–	–	1	
	Tipperah	1	–	1	–	8		
	Bullooah	–	1	–	1	–		
	Chittagong	1	1	–	1	18		
	Arracan	–	–	–	–	–		
	Total of Division	6	6	3	3	72	2	1
	GRAND TOTAL, Lower Provinces	27	30	7	7	292	6	4
	Add,							
	Head Commissioner of Revenue and Police						1	
	Ditto for Salt and Opium and Miscellaneous Revenue						1	
							2	

ABSTRACT:

	WESTERN PROVINCES.	LOWER PROVINCES.	TOTAL.
Sudder Judges and Commissioners of Revenue Police	3	–	3
Sudder Judges	–	4	4
Sudder Commissioners	–	2	2
Commissioners of Revenue and Police	6	6	12
Civil and Criminal Judges	14	27	41
Magistrates and Collectors	24	30	54
Joint Magistrates and Sub-Collectors	14	7	21
Deputies	8	7	15

MADRAS.

SUDDER DIVISION.		Commissioners of Revenue & Police.	Judges.	Collectors.	Sub-Collectors.	Deputies.
Northern	Ganjam, Chicacole, Vizagapatam, Rajahmundry, Masulipatam, Guntore, Nellore and Ongole	2	4	6	2	1
Centre	Cuddapah, Bellary, N. Arcot, S. Arcot, Chingleput, Tanjore, Trichinopoly, Salem	2	6	8	5	3
Southern and Western.	Madura and Dindigul, Tinnevelly, Coimbatore, Malabar, Canara	2	4	6	4	2
	Grand Total	6	14	20	11	6

BOMBAY.

CIRCLES.		Commissioners of Revenue & Circuit.	Judges.	Judge, Magistrate and Collector.	Collectors and Magistrates.	Sub-Collectors.
Southern	Ahmednuggur, Poonah, Darwar	1	3	–	3	3
Centre	Candeish, Bombay, Southern Concan, Northern Concan	1	2	1 for Candeish.	3	2
Guzerat	Surat, Broach, Kaira, Ahmedabad	1	2	–	3	1
	Total	3	7	1	9	6

To the Sudder Court the same two divisions may be taken as have been fixed for its circuits. And besides the two Judges and Commissioners mentioned in the proposed establishment, I suppose one of the Members in Council to take an active share in its business.

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(14.)—MINUTE of *David Hill*, Esq., dated 19th October 1830.

I HAVE not much to add to what is stated in my Paper* of 8th March last, on the subject of the internal administration of India. I have attentively read Mr. Mackenzie's Minute† of the 1st instant, which does not differ essentially from the form in which it was drawn up a year ago; and I still adhere to the principles which I formerly attempted to explain. Into detailed arrangements I forbear from entering, partly because I am averse to sweeping innovations, which seldom work as was anticipated, and never fail to derange the system they are applied to; but also, in a great measure, because (confining the observation to the presidency of Madras) I see little to change which is not already in gradual progress. I have no faith in the superior virtue of any system, be it what it may, by which the present one might all at once be subverted and replaced.

* Appendix (12.)
† Appendix (13.)

2. In our revision of the Madras Establishments, we have urged the extended employment of native agency in both the civil and criminal branches of the Judicial department. When native judges come, as I have no doubt of their doing, to take upon themselves nearly the whole of the judicial duty hitherto discharged by the European zillah judges and magistrates, I conceive that there can no longer be any occasion for continuing the intermediate office of provincial judge between that of zillah judge and the Sudder Adawlut. If primary jurisdiction in all, or almost all civil cases, and cognizance of all but heinous offences were committed to native judges, the functions hitherto performed by provincial judges would naturally be transferred to the judges of zillahs, upon the system in force under the Bombay presidency. To hurry on this change would defeat the success of the other arrangements about to be introduced; but it will naturally follow as soon as they come fully into operation.

3. Further consideration on the subject of appeals has led me to think that a great alteration is required, not in the machinery, but in the working of that part of our system. At present the whole evidence in an appealed case is recorded and sent up to the appellate court, which has to decide upon every point of fact, as well as of law, which the case involves, in the same manner as the court of original jurisdiction had to do, with this exception only, that the latter court took oral evidence, whereas the former has nothing but written depositions before it. It seems manifest, that the court which examines witnesses must, *cæteris paribus*, possess a great advantage over any court which only peruses a report of their testimony. The object of allowing appeals is not to set up the deliberate revision of recorded evidence, as a more satisfactory method of trying facts than the hearing of evidence orally delivered; but either first to ascertain whether, from unavoidable omission on the part of one of the suitors, or oversight on the part of the judge, the facts have not been properly tried, in which case they ought to be tried over again, not by a revision of recorded evidence, but by a hearing of complete evidence, orally delivered as before; or, secondly, to ascertain whether the law has been correctly applied to the facts so established. It is on grounds such as these, that in English courts of justice a motion is made for granting a new trial, or for setting aside a verdict. If, in the primary pleadings in our courts, the parties were compelled to join issue with precision and simplicity, it would be easy, as well as fair, to require the appellant to state explicitly whether he appealed on a matter of law or of fact. In the former case, the facts as established by the decree are admitted, and the appellate court has no occasion to see the evidence, but has simply to declare the law. In the latter case the appellant would have to state whether the facts were erroneously established from any omission on his own part, or from any oversight on that of the judge. If from his own omission, he would have to explain how it arose, and how it could be supplied; if from an oversight of the judge, he would have to confine himself to the fact to which the imputed oversight applied, and to the particular evidence which the judge had overlooked. Should the appellate court be satisfied with the grounds on which a new trial was applied for, they would simply have to grant one, either before the same court or another, as the nature of the grounds on which it was granted might render proper. If I am right in these views, the jurisdiction of our appellate courts would be placed upon a legitimate footing, and their business be very greatly reduced.

4. In the same manner I apprehend that the criminal trials which are required to be referred to the Foujdarry Adawlut ought not to be accompanied with a record of the evidence, as if the perusal of that evidence at the presidency would lead to a more just conclusion with regard to the facts of the case than was obtained by the hearing of it orally delivered where the trial took place. According to my judgment, the facts should be taken to be established by the finding of the judge who conducts the trial, aided, if need be, by native assessors in the capacity of jurors, or of men conversant with native testimony. In cases which have to be referred, the judge should report the facts which have been established to his satisfaction, and the sentence which he proposes to pass upon the prisoner. The business of the Foujdarry Adawlut would then be not to put their opinion upon the perusal of the recorded evidence in comparison with that of the judge who tried the case upon the hearing of the evidence orally delivered, but to see that the provisions of the penal laws were truly interpreted, and equally administered in all cases liable to reference. Their labours would be immensely abridged, and, in my apprehension, this branch of their authority would be more legitimately exercised than it is upon the present system.

5. If the suggestions which I have ventured to offer on a branch of the public service, of which

which I have had no practical experience, be well founded, and be acted upon, I should confidently expect both that the appellate jurisdiction in our system of judicature would be exercised in a much more reasonable and satisfactory manner than heretofore, and also that by its very great abridgment, the expense of the courts of appellate jurisdiction would admit of being much reduced.

(14.) Minute of David Hill, Esq., on Judicial and Revenue Administration; 19 October 1830.

6. In my former Paper I did not refrain from avowing myself an advocate for the supremacy of the Government over the Law. Disguise the matter how we will, it seems to me incontestable, that in reality the case must be so. If the Government had its origin in the will of the people, or had their good for its end, there would be an anomaly in having their rights under its control. The Law ought then to be supreme. Under such a constitution of affairs any defect in the law, or in the administration of it, comes instantly to the notice of the people, and may be corrected. It is unnecessary therefore for the people to delegate to the Government the guardianship of their well-being under the law. The people control the law as they control the Government; and ultimate supremacy over one and the other resides with them. But when neither the Government nor the Law originates in the will of the people, nor has their good, or even their satisfaction, for its main object, matters cannot take the same course. No ultimate supremacy rests with the people; Law and Government being without one common control cannot both be supreme. The errors of law, either in its provisions, or in its administration, even if they come to the notice of the people, cannot be corrected by them. By whomsoever corrected, it must necessarily be done in consistency with the principles of the Government. If this authority could be reposed in any body of men by whom it would be exercised more in consistency with the principles of law than can be expected from the Executive Government, that no doubt would be a material advantage. Under the projected changes in the legislative and judicial administration such an improvement may be practicable. The essential object is, that the administration of law should be superintended and controlled so as to provide for the well-being of the people to the utmost extent compatible with the general scheme and aim of the government. I certainly feel no partiality for a state of society in which the rights of individuals are liable to be set aside on grounds of public policy. Every one would prefer living in a free country to living in one which is enslaved; but it cannot be maintained that the institutions of the one are applicable to the other. It may be hoped that the time will come when the people of this country will be qualified and permitted to take the chief part in the management of their own affairs. The tendency of all improvements of late years in the system of internal administration is to bring forward the natives. Whenever they shall cease to be governed as a conquered people, and, either expressly or virtually, their voice shall be heard in controlling both Government and courts of law, there will remain no longer any reason for the supremacy of the Government over the Law. Till then it seems to me the smaller of the two evils, that the administration of law should on such occasions, and in such mode as may be judged fit, be controlled by Government, rather than that it should be left without control.

Calcutta, 19th October 1830. (signed) *D. Hill.*

(15.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 24th February 1830.

My Lord,

(15.) Letter from Committee, on Establishment of Civil Servants in India; 24 February 1830.

We have been engaged for some time past in revising generally the civil charges at the three presidencies, with the view of reducing them to the scale of 1823–24; and we hope, at no distant period, to be able progressively to submit the result of our labours for the consideration of your Lordship in Council. In the mean time we deem it proper to represent that we have already satisfied ourselves that the present number of civil servants at each of the three presidencies materially exceeds what the revised establishments will require. The detailed grounds of this persuasion we shall not be able to lay before your Lordship in Council until we are prepared fully to explain our views on this branch of our inquiries; but if your Lordship in Council should have adopted the same persuation, or should feel disposed for the present to take it on trust from us, it might be very desirable to bring the subject at an early period to the notice of the Honourable the Court of Directors, and to request, that until the final opinion of your Lordship in Council be reported, the Honourable Court will refrain from sending any writers to India who may not have already been nominated to the Company's service.

We have the honour to be, &c.,

(signed) *D. Hill,*
Holt Mackenzie,
John Bax.

III.

Calcutta Civil FinanceCommittee.

(16.)—LETTER from the *Calcutta* Civil Finance Committee to the Vice-President in Council at *Bengal*, dated 16th December 1830.

Honourable Sir,

AT an early stage of our inquiries it appearing to us that the present number of civil servants at each of the three presidencies materially exceeded, what the revised establishment would require, we had the honour, in our address * of the 24th of February last, to submit to Government that opinion, and to suggest that, should your Honourable Board have adopted the same persuasion, it might be desirable to bring the subject to the notice of the Honourable the Court of Directors, with a request that, till the final opinion of the Supreme Government should be reported, they would refrain from sending any writers to India who might not have already been nominated to their service. We now proceed to state what number of writers it appears to us would annually be required to maintain an adequate body of covenanted officers for the administration of the civil affairs of each of the three presidencies.

* Appendix (15.)

2. Supposing the modifications which have been suggested by our Committee in the civil establishments of the several presidencies to be carried into effect, the number of substantive appointments to be filled by covenanted servants of the Company in the Revenue, Judicial and General branches would in Bengal be 262, at Madras 102, and at Bombay 47, as detailed in the annexed Schedules. The civil members of Council of each of the presidencies are two in number, and the number of civil servants who under the furlough rules may be absent from India, at the same time, is 51 from Bengal, 27 from Madras, and 12 from Bombay. As it does not from experience appear that advantage is likely to be taken of thefurlough rules to the full extent, and as the difference may probably be sufficient to supply such vacancies as may have occurred by casualties or other cause, and also to provide for any temporary duty that may arise, no further special provision of supernumeraries for these purposes seems to be required.

Vide p. 168.

3. Assuming then the effective part of the service at the strength above stated, the number of junior assistants under the rank of second assistants to collectors and magistrates, whose services cannot be regarded as indispensably necessary, and students who together with them may be considered to be in course of training, may be taken at 40 for Bengal, 18 for Madras, and eight for Bombay, making the total number of covenanted civil servants to be employed in the above branches of the public service 355 in Bengal, 149 at Madras, and 69 at Bombay. *

4. Political appointments being open both to the civil and military servants of the Company, and indiscriminately to those of any presidency, it seems to be sufficient for the present purpose to assume the number of civil servants of each of the different presidencies now holding political appointments as the probable number who will hereafter be employed in that department, and to adopt a similar principle in regard to the commercial department. Should any change be made in the system on which the commercial affairs of the Company are carried on, so as to render an increased number of covenanted servants necessary, or to admit of their numbers being reduced, to such an extent as materially to increase or diminish the aggregate number of the members of the civil service at either of the presidencies, the necessary allowance can readily be made on that account; and we accordingly conclude, that we shall be sufficiently accurate in supposing the Bengal civil service to consist hereafter of 388 members, that of Madras of 153, and that of Bombay of 73 members.

5. Now it may be expected that ultimately the full number of annuities granted by the Honourable Court of Directors will annually be taken, and that nine civil servants will annually retire on its terms from Bengal, four from Madras and three from Bombay.

6. In estimating the casualties by death, we have thought it best to take, as the basis of our calculation, a statement prepared with much care by Mr. Prinsep, which exhibits the number of civil servants appointed during the past 40 years, and the deaths and retirements incident to the same. An abstract of that statement we have the honour to annex to this Report. And looking to the result of the past 10 years, which period we assume because it includes from its commencement servants of 30 years' standing, we are justified in calculating on a mortality of two-thirds. For premature retirements (we allude to the case of gentlemen

Vide p. 169.

	Bengal.	Madras.	Bombay.
* Substantive appointments	262	102	47
Civil members of council	2	2	2
Furlough absentees	51	27	12
Junior assistants and students	40	18	8
Total	355	149	69
Political	14	2	3
* Commercial	19	2	1
Grand Total	388	153	73

gentlemen leaving the service before they are entitled to an annuity), and for removals on account of misconduct, it would be sufficient to allow one-sixth per cent., or three-eighteenths; and on the whole, therefore, we conceive that sufficient provision will be made for vacancies arising out of these causes by an allowance of two-and-a-half per cent.* Making provision at that rate, and allowing as above for annuitants, the number of writers whom it would be necessary to send annually to the different presidencies may be estimated as follows:

For Bengal	19
Madras	8
Bombay	5

7. But the Bengal civil service consists at present of 515 members, that of Madras of 204, and the Bombay service of 148 members†; so that the adoption of the arrangements which have been proposed by us would have the effect of rendering a large proportion of servants at each presidency supernumerary; viz. 127 in Bengal, 51 at Madras, and 75 at Bombay.

8. The number of junior assistants of the degree described in paragraph 3, and students, on the establishments of the different presidencies, according to the latest lists in our possession, appears to be as follows:

In Bengal	139
At Madras	11
At Bombay	33

or, according to the foregoing calculation, there is in Bengal a supply equal to the demand during seven years, at Bombay for six years, and at Madras the existing number would suffice for rather less than two years.

9. In conclusion, we would respectfully suggest, that the circumstance of the superabundance of junior civil servants at present on the establishment of this presidency and at Bombay, be brought to the notice of the Honourable the Court of Directors, who will of course be aware that the number of civil servants availing themselves of the option of retiring on an annuity falls greatly short of that for which we have above made provision.

We have the honour to be, &c.

(signed) *D. Hill,*
Holt Mackenzie,
John Bax.

Civil Finance Committee Office,
16 December 1830.

	Bengal.	Madras.	Bombay.
* Total number of members of the Civil Service, as in p. 166	388	153	72
Number of annuitants retiring annually	9	4	3
Casualties, at 2 ½ per cent.	10	4	2
Number of writers annually required	19	8	5

	Bengal.	Madras.	Bombay.
† Senior merchants	272	133	56
Junior ditto	25	11	26
Factors	41	16	30
Writers	177	34	36
Total strength of the same at present	515	204	148
Strength of service as proposed	388	153	73
Supernumeraries	127	51	75

III.

Calcutta Civil Finance Committee.

(No. 1, in Appendix, No. 16.)

NUMBER OF SUBSTANTIVE APPOINTMENTS.

BENGAL:

3 Secretaries to Government.
3 Deputy ditto.
5 Judges of the Court of Sudder and Foujdarry Adawlut.
3 Registrars, Deputy and Assistant to ditto.
12 Commissioners of Revenue and Circuit.
41 Judges.
54 Collectors and Magistrates.
22 Sub-collectors.
17 Deputy-collectors.
54 Head Assistants.
22 Second Assistants.
1 Accountant-general.
1 Deputy ditto.
1 Sub-assistant.
1 Civil Auditor.
1 Sub-treasurer.
1 Assistant ditto.
1 Postmaster-general.
1 Mint-master and Superintendant of Stamps.
2 Sudder Commissioners of Revenue.
2 Assistants or Secretaries.
1 Commissioner of Customs.
1 Assistant or Secretary.
1 Ditto, in charge of Salt Golahs.
1 Opium Agent in Behar.
1 Ditto - - Benares.
3 Salt Agents.
1 Collector of Sea-customs at the Presidency.
1 Deputy ditto.

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Add, with reference to the observations contained in paragraph 62 of the Committee's Report*, dated 12th July 1830:

* Appendix, No. 22.

2 Sudder Judges.
2 Registrars or Deputy Registrars.

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MADRAS:

3 Secretaries to Government.
2 Deputy ditto.
3 Judges of the Court of Sudder and Foujdarry Adawlut.
3 Registrars, Deputy and Assistant to ditto.
1 Accountant-general.
1 Deputy ditto.
1 Assistant ditto.
1 Civil Auditor.
1 Sub-treasurer.
1 Postmaster-general.
1 Mint-master.
2 Sudder Commissioners of Revenue.
2 Assistants or Secretaries.
20 Collectors and Magistrates.
12 Sub-collectors.
20 Head Assistants.
10 Second ditto.
16 District Judges.
1 Collector of Sea-customs.
1 Deputy Collector of Sea-customs.

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BOMBAY:

2 Secretaries to Government.
1 Deputy ditto.
4 Sudder Judges.
1 Registrar.
1 Accountant-general.
1 Sub-treasurer.
1 Mint-master and Civil Auditor.
1 Postmaster-general.
3 Principal Collectors.
7 Collectors.
3 Sub-collectors.
10 Head Assistants.
4 Second ditto.
8 Judges.

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(signed) *W. V. Bannerman,*
Officiating Secretary.

III.

(16.) Letter from Committee, on Establishment of Civil Servants; 16 December 1830.

(No. 2, in Appendix, No. 16.)

ABSTRACT STATEMENTS, showing the NUMBER of CIVIL SERVANTS appointed to the *Bengal* Civil Service during the past 40 Years, and the DEATHS and RETIREMENTS incident to the same, referred to in para. 6 of the Finance Committee's Report, dated 16th December 1830.

YEARS.	Number of Individuals, appointed since 1st January 1790, in the Service at the beginning of each Year.	Number of Appointments within the Year.	TOTAL.	Number of Deaths.	Number of Retirements.	Number of the above Individuals in the Service at the end of each Year.	REMARKS.
1790	- - -	19	19	- -	- -	19	
1791	19	19	38	- -	- -	38	
1792	38	19	57	- -	- -	57	
1793	57	12	69	- -	- -	68	
1794	68	27	95	1	1	93	
1795	93	30	123	- -	1	122	
1796	122	24	146	1	- -	145	
1797	145	20	165	- -	2	163	
1798	163	32	195	- -	2	193	
1799	193	17	210	3	1	206	
1800	206	21	227	3	- -	224	
1801	224	20	244	4	3	237	
1802	237	24	261	5	2	254	
1803	254	26	280	5	2	273	
1804	273	17	290	3	3	284	
1805	284	32	316	5	7	304	
1806	304	16	320	3	1	316	
1807	316	17	333	7	2	324	
1808	324	20	344	9	1	334	
1809	334	13	347	5	2	340	
1810	340	17	357	5	- -	352	
1811	352	24	376	6	2	368	
1812	368	21	389	5	5	379	
1813	379	21	400	8	1	391	
1814	391	30	421	4	1	416	
1815	416	9	425	10	6	409	
1816	409	26	425	5	6	414	
1817	414	18	432	7	8	417	
1818	417	17	434	16	5	413	
1819	413	19	432	10	10	412	
1820	412	17	429	13	6	410	
1821	410	17	427	12	5	410	
1822	410	13	423	10	5	418	
1823	418	13	431	9	7	415	
1824	415	22	437	13	1	423	
1825	423	21	444	12	- -	432	
1826	432	33	465	9	- -	456	
1827	456	50	506	12	1	493	
1828	493	41	534	11	2	521	
1829	521	44	565	8	1	556	
1830	556	13	569	10	- -	560	
TOTAL	4,534	- -	- -	106	- -	- -	per-centage 2 1/3

(signed) *W. V. Bannerman*,
Officiating Secretary.

III.

Calcutta Civil Finance Committee.

(17.)—Extract LETTER from Calcutta Civil Finance Committee to the Governor-general in Council at Bengal, dated 26th April 1830.

26. We are of opinion that in the present state of Candeish it is unnecessary to continue the special appointments of Bheel agents in that district*. The agent at Koohirmoondah is the civil assistant to the collector, and the agent at Kuneer is a military officer exercising, for the most part, the duties of an assistant collector and magistrate. The nature of their functions does not appear to be such as to require to be specially provided for, and we recommend that these appointments be abolished, and all allowances on this account cease. The duty, we think, may be performed by one or more of the collector's assistants, as a branch of their ordinary avocations, under the general superintendence of the collector; and it may be observed that the collector will generally have it in his power to select an assistant of some experience for this trust, as the recent revenue and judicial arrangements of the Bombay Government have thrown many gentlemen of considerable standing and experience far back in the grade of assistants. If, as it seems probable, the collector will not require any increase to his present establishment in consequence of this inconsiderable addition to his usual duties, the whole expense of the establishments attached to the agents may also be saved.

29. The magnitude of the political charges † incurred by the Government of Bombay has particularly demanded our attention; and in considering the means of reduction in this branch of expenditure, we have carefully perused various recorded minutes of the late and present Governors of Bombay which bear on the subject, and especially adverted to the sentiments of the Honourable Court of Directors, conveyed to your Lordship in Council in their despatch of the 18th February 1829. In conformity with those sentiments, and with the opinion therein given, that "these political agencies are considerably more numerous than an exclusive attention to British interests either require or justify," we shall proceed to lay before your Lordship in Council the mode by which we should propose to reduce the number, and consequently the expense, of the residencies and agencies in question.

Baroda Residency. Guzerat and Palampore Agencies.

30. Commencing with the residency at Baroda, we have to observe, as preliminary to our proposition respecting it, that Sir John Malcolm has already recommended its abolition, to your Lordship in Council, and the substitution of a more general agency; and in his Minute of the 19th February 1830, he states, under the operation of measures recently adopted, "I consider the Guicowar state to have ceased to have any political consequence; and were we not embarrassed by our Bhandaree engagements, I should not deem it necessary to keep an assistant at Baroda." Under these circumstances, we have to recommend the entire abolition of the Baroda residency, of the present consolidated Guzerat agency, and the agency at Palampore, and the substitution of one general agency for the whole, under a civil officer of Government, to be denominated "Political Commissioner in Guzerat." The headquarters of the commissioner might be at any convenient spot in Guzerat; but he would of course perform such circuits within the range of his agency as might be required by the nature of his duties. The consolidated Guzerat agency which we have proposed to abolish was formed in 1828, by the consolidation of the Myhee Cauntee and the Pauch Mahal agencies, and was held by the first assistant to the resident at Baroda, under the general control and authority of the resident; and with regard to the resident at Palampore, his duties may easily be executed by the commissioner, or the assistant whom we propose to attach to him. We have carefully adverted to the localities of these agencies, and to the object of them, as detailed in minutes of the late Governor of Bombay; and it is our full conviction that the plan here proposed is easy of accomplishment, and in every respect preferable to the system of maintaining various petty agencies as at present. The consolidation of the present Guzerat and Palampore agencies was also suggested, we observe, by a former committee in a report to the Bombay Government, dated 8th June 1827.

31. Taking the ordinary maximum for Bombay at rupees 45,000, we propose that a salary of rupees 50,000 should be assigned to the commissioners, "in full consideration," according to the principle prescribed in your Lordship's resolution of the 17th February 1829, "of his services and expenses, with the same liberty to regulate the arrangements of his table and household as other officers enjoy." For the assistant to the commissioners we propose a salary of rupees 12,000 per annum, with the established allowance when on deputation.

32. In

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*Bheel Agents:

Bheel agent at Koohirmoondah in Candeish	200
Establishment	35
Bheel agent at Kuneer	400
Establishment	148
Total	783

† These are stated to amount, in 1826–27, to *Rs.* 9,57,600. Vide the Honourable Court's despatch to the Supreme Government, dated 18th February 1829, paras. 24 to 40.

32. We insert below a list of establishment for the political commissioner*, in the formation of which we have been guided by a reference to similar establishments; and by comparing the present charges with those proposed by our arrangement, your Lordship in Council will observe an annual diminution to the extent of rupees 87,124.

33. The military assistant attached to the consolidated Guzerat agency has charge of the Guicowar contingent, and in this latter duty he will of course continue to be employed under the political commissioner, though his appointment as assistant will no longer be required; but the office of translator, now held by the surgeon at the Baroda residency, appears to us to be totally unnecessary and unusual †. The charge of rupees 100 per mensem, on account of the "late Soonderjee Sewjee's palankeen allowance, continued to his son," forms an item at the Baroda residency which will cease, we presume, on the death of the present incumbent.

34. It remains for us to add here, that the fixed charges of the Baroda residency and consolidated agency in Guzerat of 1828-29, exceed those of 1823-24 by rupees 6,128.

35. The annual fixed charges of the Bhooj residency for 1828-29 exceed those of 1823-24 by rupees 8,982, owing chiefly to an increase to the table allowance of the resident from rupees 500 to rupees 1,200 per annum.

36. As the Resolution which we have quoted in the 31st paragraph of this Report directs the discontinuance of a separate allowance for table expenses, we recommend that on a vacancy occurring at Bhooj the resident should receive a consolidated salary of rupees 24,000 per annum, which is equivalent to his total receipts in 1823-24.

37. The appointment of an assistant to the resident in Cutch having been recently abolished by the Government at Bombay, we have only further to recommend the reduction of certain additions noted below §, which have been made in the establishment of this residency since 1823-24, amounting to rupees 2,268 per annum. The proposed modifications will produce a reduction of expense to the extent of rupees 16,668 per annum.

38. The expense of the office establishment attached to the principal collector in the Southern Mahratta Country in his political capacity exceeds what it cost in the year 1824 by rupees 105 per mensem, chiefly in consequence of the officers noted below‖ having been added

* Head Clerk	*Rs.* 150
Three Writers at 40	120
Head Carkoon	150
Assistant ditto	40
Persian Moonshee	75
Assistant ditto	30
Mahratta Carkoon	75
Assistant ditto	30
Ditto - ditto	25
Guzerattee Carkoon	75
Assistant ditto	30
Ditto - ditto	25
Shroof	30
Ditto Gomasta	25
Chobdars and Peons	120
Total	1,000

Establishments as they stood 1st May 1829:		
Baroda	1,00,152	
Guzerat	57,372	
Palampore	9,600	
		1,67,124
Proposed Scale of Establishment:		
Commissioner	50,000	
Assistant to ditto	12,000	
Establishment	12,000	
Add,		
Officer commanding contingent horse	4,800	
Soonderjee's tolker allowance	1,200	
		80,000
Saving per Annum	*Rs.*	87,124

† Extract of a Minute, dated July 1827, by Mr. Warden, late member of the Council at Bombay:

Para. 14. The office of translator of Baroda should also be abolished, and the duty performed as elsewhere by the assistant.

‡ Bhooj Residency:

Resident's salary and allowances	2,700
Assistant	500
Native Agent	150
Establishment	586
Total	3,936
§ Writers, Moonshees, &c.	130
Peons, &c.	44
Agent at Mandaree	15
Per Mensem	189
Per Annum	2,268

‖ Carnatic Political Agent:

	1824.	1829.
Office establishment and Huzoor Intelligence Department	265	370
Translator and Head Writer		50
English Writer		20
Addition to salary of Head Moonshee		33
Total		103

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Calcutta Civil Finance Committee.

added to it. We think that the establishment as it was constituted in 1824 is fully adequate to the purpose for which it is intended, and recommend that it be again reduced to that standard. The necessity of keeping up a separate establishment expressly for the purpose of procuring intelligence at the stations of jagheerdars appears to us to be very questionable*. The jagheers in question being for the most part interspersed throughout the collectorates to which they adjoin, we are disposed to think that the collectors, through the medium of their revenue and police establishments, should have no difficulty in keeping themselves acquainted with the state of affairs in the different jagheers, and that nothing of importance could occur to them without their receiving timely notice. Adverting however to the still unsettled condition of this part of our territories, we do not venture to recommend that the establishment be discontinued; but from the liberal policy that has been pursued towards these chieftains, and under the salutary operation of an enlightened system of administration, it may be anticipated that the necessity for maintaining an establishment of this nature will every day become less urgent.

39. The express order contained in the Honourable Court's despatch of the 8th February 1829, already mentioned, for the discontinuance of the Sattara residency, renders it unnecessary for us to state the arguments which in the absence of that order would have led us to recommend its abolition. We presume that the directions of the Court will be carried into immediate effect, and we have therefore taken credit for the amount of the cost of this residency as an actual reduction to the extent of rupees 65,148†.

Kattywar Political Agent.

40. As the expenses of the Kattywar political agency are entered in the revenue department, with the exception of the officer commanding the Guicowar contingent and assistant to the political agent, whose salary (rupees 400) is entered in the General department, we shall notice the agency in our revision of the Revenue branch.

Gulf of Persia.

41. The political expenses in the Gulf of Persia have vastly increased of late years; whilst, according to statements before us, it appears that the trade of India in that quarter has been gradually diminishing. The fixed charges of the Bushire residency for the year 1824 was rupees 48,714, and for the year 1829 rupees 54,684, being an increase in the authorized scale of expenditure in the latter year of rupees 5,970, while in the actual charge there was an increase of rupees 16,472.

42. At Bussorah the fixed expense in the year 1829 was rupees 39,000, which exceeded the scale of 1824 by rupees 6,000; which increase has arisen by an addition of rupees 400 per mensem to the agent's table allowance, and of rupees 100 per mensem to his establishment.

43. In the course of our investigation into the rise and progress of these establishments in the Persian Gulf, we have been led to compare the charges at Bushire and Bussorah, with which the British Government is now burthened, with those that sufficed for the same establishments at periods when our trade and intercourse in that quarter were more active and flourishing than at present; and the result on our mind is that there is no reasonable ground whatever for continuing such costly agencies in the Gulf of Persia as are now maintained. The expense of the Bushire residency, including the resident's salary as fixed in 1801, was rupees 784, and it is now rupees 4,557, per mensem. It is true that he received half the net profit on the sale of the Company's goods from Europe; but if that trade has now become so unprofitable that the Company has abandoned it, this fact furnishes a strong argument for placing the general charges of that residency on a less expensive footing in the present than the former time. In 1798 the salary and establishment of the agent at Bussorah amounted to rupees 965 per mensem; they now amount to rupees 3,250 per mensem, whilst the comparative circumstances of these two periods do not seem to require even the same expense now as in 1798.

44. We are aware that in most cases the comparison here introduced would be inapplicable; but as regards our intercourse with the Persian Gulf, we should have expected to find a larger charge in former than in recent years, whereas the contrary is the fact. Regarding them solely in their present character as political agencies, we are of opinion that they may be placed on a very economical footing, upon the principle suggested in Sir J. Malcolm's Minute of the 22d September 1828, which is on the records of the Supreme Government; and we accordingly recommend the abolition of the Bussorah agency, and the placing of the affairs of the Gulf under one authority, denominated "Political Agent in the Gulf of Persia."

	1824.	1829.
* Establishment for procuring intelligence at the stations of Jagheerdars - -	442	468

† SATTARA RESIDENCY:

Resident - - - - - - - - - - - - - - -	3,500
Establishment, including intelligence - - - - - - - - - - - -	1,929
Per Mensem - - -	5,429
Per Annum - - -	65,148

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(17.) Letter from Committee on Establishments in the General Department, Bombay. 26 April 1830.

Persia." The proposal made in the above Minute was to procure a grant from Persia of Karrack, an island in the neighbourhood of Bushire, and to consolidate the agencies in the Gulf at that place; but as the acquisition of the island in question would probably be attended with great expense, and at all events must be preceded by considerable delay, we propose that the agent should reside at Bushire. A native agent might be maintained at Bussorah, on the same salary and with the same establishment as is now assigned to the native agent at Bagdad *.

45. In confirmation of the justice of the view here taken on this subject, we beg to quote the following passage from a Minute of the Honourable M. Elphinstone, late Governor of Bombay, dated 11th June 1827, subscribed to by the members of his Council:

'The Bussorah residency might, I think, be easily spared; but I would not abolish it at present, because Sir J. Malcolm is so much fitter to decide on the necessity of the situation; we may take it as a prospective reduction."

46. We find also the following remark on the present subject, in a Minute dated 24th July 1827, recorded by Mr. Goodwin, a late member of the Government of Bombay:

"I am of opinion that the Bushire residency should be placed precisely on the footing, in regard to allowances and establishment, which was fixed by the Supreme Government, when the Governor-general re-established it about 1807, and appointed Mr. Smith to the office. I see nothing in the condition of our concerns in the Persian Gulf at the present moment to call for a greater outlay of the public money in maintaining that residency than was incurred at the period to which I have alluded, and which was one teeming with remarkable events. Our influence in Persia at that crisis was nearly obliterated by French impressions; we had no representative at the Court of Tehran, and yet our establishments on the maritime frontier of the empire were infinitely less expensive than they are now, when our envoy is narrowly watching at Tabrez the course of events, when the King is leaning on our power, when there are no Irasmees at sea or Wahabees on land to apprehend, and when there are no symptoms of piracy, if we only persevere in keeping up a squadron in the Gulf adequate to a vigilant watch of the ports which have become the domiciles of the pacificated Arabs."

47. In regard to the salary and establishment to be assigned under the proposed modification to the political agent in the Gulf, we have adverted to the nature of the duties of the resident, and the grounds on which his salary and establishment were fixed by the Supreme Government at the period to which the preceding Minute alludes, so as to be enabled to form a correct judgment of the comparative business at the former and the present period; and we find by the instructions conveyed by the Supreme Government on the 11th December 1806 to the resident, Mr. Smith, that this gentleman was appointed commercial resident at Bushire, and vested on the part of the Supreme Government with the political intercourse between the King of Persia and the British Government. We need here only notice the fact that there are now no commercial transactions to be performed by the resident, and that the *chargé d'affaires* at Tehrawn is the channel of communication between the British Government and Persia, to convince your Lordship in Council that so far as these two duties are concerned, the appointment of resident at Bushire has become altogether nugatory.

48. With regard to Arab chiefs in the Gulf, the instructions to the resident in 1806 were as follows: "You will keep up a friendly intercourse, by letters, with the petty Arab chiefs of the Gulf, in the vicinity of Bushire; and when any of those commit piracies upon British vessels, you will make it your duty to demand restitution, and in the event of its not being immediately made, you will, unless you possess the means of enforcing it, either from the proffered aid of the Persian Government or the presence of ships of force, transmit information to the Government of Bombay which can enable it to take effectual means for the exemplary punishment of such an outrage †."

49. The actual duty of the present resident consists in this surveillance over the Arab chiefs in the Gulf, and events in that quarter within recent years, especially the capture of Rasool Khyma and the death of Rumabin Jaber, the chief pirate in the Gulf, have now made this duty less irksome, by nearly exterminating that system of piracy which formerly prevailed.

50. The Governor-general's Minute of the 9th October 1806 recites the grounds on which the salary and establishment at Bushire were fixed at that period, at a total expense of rupees 2,700 per mensem, or rupees 32,400 per annum.

51. The duties which will devolve on the political agent in the Gulf, by the abolition of the Bussorah agency, will be very trifling; and under all circumstances we beg to propose for him

* Bagdad:

Native Agent	200
Establishment:	
One Revenue Writer	29
Three Noberchees	50
Per Mensem	279

† Letter from the Secretary to the Supreme Government, dated 11th December 1806, to the resident, Mr. Smith.

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him a salary of rupees 1,500, as at present, with a table allowance of rupees 500. We have assigned this latter item to the political agent contrary to the general rule recently introduced, because there seem to be local peculiarities in this instance which do not exist elsewhere. By assigning a monthly sum of rupees 700 for the agent's establishment, which appears to be sufficient, and rupees 100 for the rent of the Bushire factory, as paid at present, the charges of the agency will be placed, we think, on a footing sufficiently liberal, and at the same time consistent with the views entertained by the Supreme Government when it constituted this officer a political functionary.

52. In regard to an assistant to the political agent, we beg to suggest that the medical officer attached to the agency, if judiciously selected, should also be the assistant, on a salary of rupees 300 per mensem; and if any precedent be required for this proposal, we beg to observe that the medical officer, Dr. Hine, attached to the late residency at Bagdad, was the resident's assistant.

53. The repairs of the factory at Bushire are made at the expense of Government; but as we find that about seven years ago this building was greatly enlarged and almost rebuilt, we recommend that in future such outlays on property which does not belong to the Government, may be as sparingly made as possible.

54. The residency at Bussorah, for the repair of which a monthly sum of 200 rupees is now charged, might be sold or occupied by the native agent, who for this privilege would no doubt undertake to release Government from all charge for repairs. The adoption of our suggestions in respect to Bushire and Bussorah will yield an annual saving of rupees 55,188 *.

55. At Muscat and Mocha there are now only native agents, the former on rupees 200, and the latter on 300 rupees per mensem, and we have no alteration to propose respecting them.

56. The salary and medical allowance received by the civil surgeon stationed with the resident at Bhooj † considerably exceeds the aggregate allowances drawn by the medical officers attached to the several other political residencies under the Bombay Government; but as there is no sufficient reason for maintaining that appointment on a footing in point of allowances superior to similar offices elsewhere, we propose that the salary and medical allowance of the civil surgeon attached to the resident at Bhooj be reduced to the standard fixed for other residencies, viz. rupees 450 per mensem, causing an annual saving of rupees 2,400; a further reduction of 13,200 rupees per annum will be afforded by the discontinuance of the office of civil surgeon at Sattara and Bussorah, which appointments will cease in consequence of the abolition of these residencies.

66. The next point we have to notice is the excess in the expenses of the several political residencies beyond the amount of the authorized establishments; and we select the following instances for the year 1828–29 in illustration of our remarks. An adjustment of the items which may be necessary to give a correct result will not interfere with the truth of our inference.

Baroda,

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* Present Charge.

Bussorah:		
Agent's salary and allowances, and factory repairs	2,400	
Establishment	850	
		3,250
Bushire:		
Agent's salary, table, rent and contingencies	3,250	
Assistant to ditto	400	
Establishment	907	
Surgeon	450	
		5,007
Carried up		8,257

Brought up		8,257
Proposed:		
Agent's salary, table and rent	2,100	
Establishment	700	
Surgeon and assistant	300	
Bagdad:		
Agent and establishment	279	
Bussorah:		
Agent and establishment	279	
		3,658
Saving Per Mensem		4,599
Or per Annum		55,188

† Civil Surgeon at the Residency of Bhooj:

Salary	500
Medical allowance	150
Total	650

Civil Surgeon at the Residency at Sattara:

Salary	500
Medical allowance	150
Total	650

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(17.) Letter from Committee on Establishments in the General Department, Bombay. 26 April 1830.

	Authorized Charges.	Actual Charges.
	Rupees.	*Rupees.*
Baroda, including the consolidated Guzerat Agency	1,57,524	2,00,691
Bhooj	47,232	65,721
Sattara	65,148	89,221
Bushire	54,684	65,186
Bussorah	39,000	* 47,838
Total	3,63,588	4,68,657

68. With respect to the whole of these charges over and above the sanctioned establishment, we have strongly to urge the expediency of enforcing the rule which we have recommended: No charge whatever should be incurred without previous authority from Government, nor passed by the auditor without its express sanction for the specific amount.

(18.)—Extract LETTER from the *Calcutta* Civil Finance Committee, to the Governor-general in Council at *Bengal*, dated 20th September 1830.

(18.) Letter from Committee on Judicial and Revenue Establishments, Bombay. 20 September 1830.

2. YOUR Lordship in Council is aware, from the communication made by the Government of Bombay, in their chief secretary's letter of the 4th of January last, and from the enactments contained in the first six Regulations passed at that Presidency in the present year, that various modifications have been recently introduced in the Judicial and Revenue departments, the examination of which required the deliberate consideration of several questions of general importance and interest.

3. The modifications in question may concisely be stated to consist, as regards the administration of civil justice, in assigning to native commissioners the cognizance, with certain exceptions, of all original suits, providing, as the case may be, a regular gradation of appeal to the judge, his assistant, or the court of Sudder Dewanny Adawlut, to which one judge has been added, exclusive of a member of Council, whose functions, as chief judge, are limited to his officiating as such when a competent court cannot otherwise be had; and the court of Circuit and Appeal at Surat has been abolished. In the branch of criminal jurisprudence, the magistrates (who are also collectors of revenue) and their assistants are authorized to adjudge sentences of fine and ordinary imprisonment, with hard labour, for one year; but sentences beyond three months passed by the latter are referable to the magistrate for confirmation, and all other sentences may be revised by him. District police-officers are empowered to punish petty offences by fine not exceeding *Rs.* 15, and confinement not exceeding 20 days. The system of session judges, embracing the former functions and jurisdiction of a criminal judge and court of circuit, has been extended to all the territories under the Government, and the number of judges been reduced. Two judges of the Sudder Foujdarry Adawlut, under the denomination of visiting commissioners of circuit, are directed to make an annual circuit of inspection; one to Guzerat and the Concans, the other to the Deccan, and the Southern Mahratta Country. Civil and Criminal Justice.

4. In the revenue department, the scheme of administration has been assimilated to that of Madras, by the appointment of principal and sub-collectors in certain districts, the Government having at the same time diminished the number of collectorates; and a revenue commissioner, with an assistant, has been appointed for the purpose of general control and superintendence throughout the several districts, with the exception of the Southern Mahratta Country. The collectors and sub-collectors are authorized to refer to comarisdars, or head native revenue officers, suits instituted before them, under Regulation XVII., A. D. 1827, relating to land, its rent or produce, provided the value at issue does not exceed *Rs.* 500; and an appeal from their decisions is provided for. Revenue Administration.

9. The expense of the Court of Requests at Bombay, chargeable to Government, amounts to *Rs.* 5,926 per annum, as exhibited below †; none of the commissioners receiving any salary Court of Requests.

* The sum stated in the annual accounts for 1828–29 is *Rs.* 95,677; but as no charge appears under the head during the preceding year, half of the above sum is assumed under the supposition that the account includes the charge of the previous year.

† Clerk's salary - - - - 300
Allowance for establishment - $8\frac{1}{3}$
Naique and Peons - - - $35\frac{1}{2}$
Office rent - - - - 150
Total - - - $493\frac{5}{6}$ = 5,926 per annum.

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salary in that capacity. Besides his fixed salary, it would appear that the clerk of the court receives the fees leviable from suitors on processes issued; no part of the receipts under this head being credited to the public account. In Bengal, the amount of the fees levied by the Court of Requests, (the commissioners of which receive liberal salaries), used formerly much to exceed the charges, and though the rate is greatly reduced, still nearly covers the expense of the whole court; and at Madras, where the commissioners are also stipendiary officers, the receipts considerably exceed the charges the surplus being carried to the credit of Government. We are not aware whether the rules for regulating the levy of fees in the Court of Requests at Bombay are similar to those in force at the other two Presidencies, nor what is the amount of fees now collected. Looking to the receipts of the courts at Calcutta and Madras, we should suppose that the amount must be considerable, and probably more than an adequate remuneration for the clerk of the court, even if he received no salary. We would therefore submit, as a fit matter for the inquiry of the local Government, whether by carrying the fees to the public account, and assigning to the clerk of the court a suitable salary, Government might not be relieved from all expense on account of this establishment.

Petty Sessions.

10. The Court of Petty Sessions is peculiar to Bombay, and consists of the senior and second magistrates of police, and a non-stipendiary magistrate. Its powers and jurisdiction are described in Rule, Ordinance and Regulation II. of 1827. The excess of charge (rupees 7,560) on account of this establishment in 1829 *, has chiefly arisen from the appointment of an assessor, on a salary of rupees 7,200 per annum, who, being a barrister, assists the magistrates with his professional advice. But if the magistrates of police are competent for their duty, we are not aware of the necessity of incurring the permanent expense of a barrister to attend them at the petty sessions, which are held weekly. In ordinary cases the police magistrates should certainly be capable of deciding for themselves, and in cases of extraordinary difficulty (which are not likely to be numerous), the advice of the government law officers might be easily obtained. The appointment of assessor took place on the 26th of May 1826; and as the business of the Court of Petty Sessions was conducted by the magistrates without a professional adviser for many years prior to that date, we recommend the abolition of the office in question.

Sudder Dewanny and Sudder Fouzdarry Adawlut.

15. The Court of Sudder Dewanny Adawlut, as your Lordship in Council is aware †, has been placed on a footing applicable to the recent changes in the judicial administration at Bombay. The salary of the senior puisne judge has been fixed at rupees 45,000; and the same principle which now regulates the salaries of the junior secretaries to that Government is extended to the puisne judges (below the senior), that is to say, a salary of rupees 33,000 is assigned to a Sudder judge under 12 years standing; of rupees 37,500 under 15, but more than 12 years standing; and if above 15 years standing, the salary is increased at the rate of rupees 1,500 per annum, for each additional year, until 20 years shall have elapsed, when the salary will be rupees 45,000, or the maximum rate assigned to Bombay. We observe in the proceedings before us, which are also on the records of the Supreme Government, that Mr. Romer, the third member of Council, in a Minute dated the 15th of December last, is averse to the introduction of this graduated scale of remuneration in respect to the Sudder Adawlut, and is of opinion that the salaries of the judges should be equal. "I can easily," remarks this gentleman, "see the advantage and propriety of such a scheme as applied to the secretaries of the Government, but its adoption to and fitness in the Sudder Adawlut is not so apparent. As existing at Madras, without extending the comparison to Bengal, I continue to be of the opinion formerly expressed, that all the judges of the Sudder Adawlut should at least be placed, on the score of allowances, on the same footing as the chief secretary."

16. The principle of regulating salaries, in some degree, according to length of service, appears to us to possess many advantages, especially in the case of secretaries to Government; and if deemed worthy of general adoption, would of course apply to the judges of the Sudder Adawlut, as well as to other functionaries. The Resolution passed on the 17th of February 1829, by your Lordship in Council, fixing the salaries of the judges of the Sudder Adawlut at Calcutta, sets forth, "that to the judges of the Sudder Dewanny Adawlut it is obviously proper to assign the maximum rate of salary, viz. sonat rupees 52,200. The duties of all the judges being essentially the same, there seems to be no reason to maintain the distinction of senior and puisne judges. The higher salary assigned to the former when the situation ceased to be held by a member of the Supreme Council, appears to have been fixed rather with reference to the emoluments actually enjoyed by the individual than on any general principle, and the difference of denomination and emolument has actually been found to occasion claims embarrassing to Government in the selection of candidates." Besides the ordinary duties of Sudder Dewanny and Fouzdarry Adawlut, the judges at Bombay perform circuits in the districts as visiting commissioners, and should, we are of opinion, receive the maximum rate of salary assigned to that presidency, on the same principle as prevails at Bengal

Vide para. 4.

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* 1824: *Rs.* 10,800 - - 1829: *Rs.* 18,360.

† Letter of 4th January 1830 to the Supreme Government, with Enclosures, from the Chief Secretary at Bombay.

(18.) Letter from Committee on Judicial and Revenue Establishments, Bombay. 20 September 1830.

Bengal and Madras; and we have accordingly adopted this rate in our calculation. The immediate financial result would, in fact, be nearly the same if we had adopted the graduated rate, for it appears that three of the present judges have served longer than 20 years, and the other has served within a few months of that period.

17. The judges of the Sudder Court at Bombay have, we perceive, duties that do not belong to those officers at this presidency, or at Madras. Besides being required to go circuits as above mentioned, they are also vested with an appellate jurisdiction in cases decided by the collectors, the appeal being of right when the property at stake may exceed 200 rupees, and a special appeal being open in all cases. In the Judicial department, appeals of right lie to them from the decisions of the judges and assistant-judges, in all cases in which the judgment may relate to property exceeding 3,000 rupees; and in cases wherein the decrees of the native judges are reversed or modified, if the amount exceed 1,000 rupees. They likewise appear to exercise a control in various matters which at the other presidencies more immediately belong to the judges of circuit; and if, as proposed in a subsequent part of this letter, the office of revenue commissioner be abolished, it will probably be thought expedient to transfer to the Sudder judges, when on their tours of inspection, some of the functions assigned to that officer.

18. Although therefore our impression is that the duties of the sudder judges may admit of being considerably abridged by restricting their appellate jurisdiction to cases in which on the face of the proceedings there may appear reason to apprehend a denial or failure of justice, the proper function of such a court being general superintendence, with no further interposition in individual cases than is required to render that superintendence effectual to the well working of the subordinate tribunals; and although we are of opinion that acting on this principle three judges would suffice, yet we are uot prepared immediately to object to the appointment of a fourth judge. But independently of financial considerations, it will we think be a matter of regret if the appointment leads to any further separation of the Sudder Court from the Government; and if the necessity of having a fourth judge can be obviated by one of the members of Council taking a larger share in the business of the court, the office ought to be discontinued. In further explanation of our views on this subject, we subjoin an extract from our report, under date the 5th May last, containing a review of the civil charges of the Madras Presidency:

"We are strongly of opinion that it is of importance, on grounds distinct from economy, that one of the members of Government should always hold the office of a judge of the Sudder Adawlut, and take upon himself a substantive share of the duties of that court. The other functions of a member of Government at the subordinate presidencies are not of a nature or extent to interfere with this salutary arrangement; and the previous occupation of one or both of the counsellors will generally have prepared them to give complete effect to it."

19. The native establishment attached to this court does not call for any observation on our part, excepting in regard to the number and expense of chobdars and peons, which, compared with those maintained in the Sudder Adawlut at Calcutta and Madras, is excessive. By the list inserted below* your Lordship in Council will perceive that the number of these servants at Calcutta is 26; at Madras 32; at Bombay 90; and the charge respectively is rupees 1,632, rupees 2,724, and rupees 9,048 per annum. In Bengal, we are informed, each of the five judges of the court has only two of the public chuppraissies in attendance on him; the registrar has five for the duties of his office, and the chobdars and soontabundars are for the court collectively. At Madras the mode in which business is transacted may render it necessary to entertain a few more peons than are required in Bengal; but we would recommend that as far as practicable the Bengal complement of servants be generally adopted, and we see no reason why it should be exceeded at Bombay. We should thus have an annual saving of rupees 7,416.

Provincial Court of Circuit and Appeal in Guzerat.

21. The abolition of the Guzerat Court of Circuit and Appeal, under the arrangements noticed in the former part of this Report, yields an annual saving of rupees 132,959.

Southern Mahratta Country.

22. In pursuance of the arrangements above referred to, the Southern and Northern Concans have been consolidated under a judge and session judge; and this system of judicial administration,

*BENGAL.			MADRAS.			BOMBAY, Including the Addition, at Rs. 100 per Mensem, sanctioned on 23d April 1830.		
2 Chobdars	-	16	24 Peons	-	168	10 Chobdars	-	160
4 Soontaburdars	-	24	7 Police ditto	-	49	6 Jemedars	-	72
15 Chupprasses	-	75	1 Daffedar	-	10	2 Havildars	-	18
1 Chowkeydar	-	5				62 Peons	-	434
4 Burkendazes	-	16				10 Hurcarrahs	-	70
26 Per Mensem	-	136	32 Per Mensem	-	227	90 Per Mensem	-	754
Per Annum	-	1,632	Per Annum	-	2,724	Per Annum	-	9,048

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nistration, which prevails also at Poona and Ahmednuggur, has been extended to Surat and Ahmedabad. The Southern Mahratta Country has been brought under the ordinary Regulations of Government, but the offices of principal collector and magistrate are united with those of judge, session judge and political agent; an arrangement to which the civil members of Government at Bombay have objected. The discussions arising out of this subject are to be found on the records of the Supreme Government*, and your Lordship in Council will there observe that the appointment of a judge and session judge is contemplated to take place after a lapse of two or three years. To aid the principal collector in his judicial functions, an assistant judge at the sudder station, with the powers of a detached assistant judge, has been nominated; and a second sub-collector has also been appointed to relieve the principal collector from much of the detail of his revenue duties. The charge on account of the assistant judge and the second sub-collector, with their respective establishments, may be estimated at rupees 50,206 per annum; whilst the charge for a judge and session judge, with the establishment hereafter to be proposed, may be assumed at rupees 42,000. As there are two judges on the Bombay establishment, who are thrown out of employment by the abolition of the Guzerat Court of Circuit and Appeal, exclusive of civil servants in other departments similarly situated, and these gentlemen continue to receive their former salaries, we would recommend, on financial as well as on other grounds, that the appointment of judge and session judge be substituted for those of assistant judge and second sub-collector; and in our schedule we have accordingly provided for the separation of the judicial and revenue functions in the southern Mahratta country.

Concans, Surat, Ahmedabad, Poona, Ahmednuggur.

23. To each of the judges and session judges in the several zillahs, a senior assistant is attached, who, in the civil department, is employed in executive duties, and may be specially authorized to decide appeals from the decrees of native commissioners in suits where the property sued for does not exceed 5,000 rupees; and in the criminal department he exercises the functions and penal jurisdiction heretofore vested in senior assistants to criminal judges; that is, he tries offenders, and may pass sentence of punishment, not exceeding imprisonment with hard labour for two years, and stripes for theft not exceeding 30, or fine or imprisonment in default of payment for a period not longer than two years; it being competent for Government, where it may see fit, to enlarge these powers to any extent not exceeding those vested in assistants detached from the sudder station. A second assistant, possessing more limited authority, is also attached to several of the judges.

24. The judge and session judge in the Concans has a detached assistant stationed at Rutuagherry, having jurisdiction over that portion of the zillah, and vested with the same penal authority as formerly exercised by criminal judges; viz. to pass sentence of solitary confinement for six months, of imprisonment with hard labour for seven years and 50 stripes, or of fine and imprisonment: for the higher classes of criminal offences he is required to commit the parties to take their trial before the session judge, who visits the subordinate station half yearly for the purpose of delivering the gaol. In like manner there is an assistant judge, with similar powers, stationed at Sholapore, subordinate to the session judge at Poona, another at Broach subordinate to Surat, and a third at Dooliah in Candish under the session judge at Ahmednuggur.

Report of the Finance Committee, dated 5th May, para. 39. App. 20.

25. There appears to us to exist strong objections, as we have already had occasion to submit to your Lordship in Council, against the employment under any designation of young men of limited experience as judges; and the powers assigned to this class of officers by the Bombay Regulations are more extensive, particularly in the Criminal department, than it has been usual to confide to them at the other Presidencies, or than can in our judgment be prudently entrusted to them. In the civil department the Bombay Regulations already render the native judges competent to try and decide all cases, of whatever amount, that may be referred to them. In this department therefore the discontinuance of the office of assistant judge will not involve any change of system, and we can only anticipate beneficial results from a change of practice which shall transfer to natives the cognizance of all civil cases that are now tried by the assistant judges. In the Criminal department it appears to us to be not

Ibid.

less expedient, on the principle explained in our Report on the Madras Establishment, that the native judges should be employed in the trial of cases referred to them by the session judge: and although, for some time at least, it may be necessary, as intimated in that Report, to maintain various checks upon their conduct, they may, we conceive, be thus made to afford great relief to the European officers; since in a multitude of cases, which if tried by the latter would occupy much time, the sentence of the native judge, though referred to the judge, may doubtless be carried into effect without any hesitation or difficulty. We beg leave therefore to suggest that the native judges at Bombay may be vested with criminal powers to the same extent as we have suggested for the Sudder Ameens, viz. of Madras, or to such other extent as the local Government may judge proper; and that all cases not cognizable by the magistrate may be made over to the session judge, to be tried by himself or referred to the native judges, according as he may judge best for the public service, subject of course to the provisions defining the authority of the latter. With this arrangement (and indeed without it) we see no reason to think that the judges and session judges at Bombay, increased in number as we propose, will be overburthened with their duties: and as it is our intention to suggest an arrangement under which the sessions' judges will not be required periodically to quit their own stations for the purpose of delivering the gaols of their subordinate detached assistants, any necessity which might have existed for having an officer on the spot to execute processes,

* Letter, dated 4th January 1830, from Chief Secretary at Bombay to Deputy Secretary of Supreme Government, with enclosures.

processes, &c. during their absence, will be removed. The reasons which have led us to recommend the abolition of the offices of registrar and assistant criminal judge at Bengal and Madras, apply with greater force to those of junior and junior-assistant session judge at Bombay, and we accordingly beg to advise the discontinuance of these appointments.

26. The same objections are applicable in a minor degree, owing to the individuals filling the offices being generally of longer experience in the service, to the plan of having detached assistants in charge of a portion of a zillah. This part of the system, however, is open to another more serious objection, for all cases of a heinous nature arising within the jurisdiction of the detached assistant are postponed for trial by the session judge at his next half yearly gaol delivery; thereby involving the necessity of the attendance of the prosecutor and witnesses a second time, and the detention of the parties accused for an extended period; while in that part of the zillah under the immediate authority of the session judge, a similar inconvenience is experienced from the interruption, during his absence, of the exercise of the higher penal authority with which he is vested. The distance of the subordinate court at Broach from the sudder station Surat, being under 40 miles, it would we conceive be attended with less inconvenience to the prosecutor and witness, and hardship to the prisoners, were they forwarded at once to the session judge, by whom the case would be disposed of without delay, instead of being required, after having undergone a preliminary investigation, to attend again at the following half-yearly gaol delivery. It also appears to us that a separate court at Sholapore subordinate to the judge and session judge at Poona, is by no means indispensable, in reference to the population or relative importance of that station.

27. On the other hand, the zillahs of the Northern and Southern Concan have been placed under one judge and session judge, with a detached assistant at Rutnagherry; but the population and quantity of business arising in this tract of country render it very desirable, we think, that there should be a judge and session judge as heretofore in each of the divisions.

28. Again, in Candeish, though comparatively a poor and thinly peopled district, it seems to be necessary that there should be stationed an officer for the trial of the higher classes of criminal offences, which are unfortunately of too frequent occurrence; the assistant judge's court at Dooliah, besides being open to the objections already described, does not in our opinion sufficiently provide for this object, and we think that the appointment of a separate session judge for Candeish is desirable.

29. In the annexed Schedule, provision has accordingly been made for a judge and session judge in the Southern Concan, Candeish and Darwar, and for the abolition of all assistant judges.

30. The salaries of the judges and session judges at Poonah and Surat have been fixed by the Resolution of the Bombay Government under date the 1st December 1829, at rupees 30,000 per annum, and those of the other judges and session judges at rupees 28,000. In consideration of the high and responsible nature of the duties which the whole of these functionaries will have to discharge, and adverting to the convenience and advantage of having the office of a judge and session judge better paid than that of an ordinary collector (from which appointment, assuming that all arbitrary separation between the Revenue and Judicial lines is discontinued, the natural step will be to the appointment of a judge), we would beg to recommend that the allowances of all the judges and session judges be fixed at *Rs.* 30,000 per annum.

31. The financial result of the arrangements here recommended in the Judicial department, is, as regards covenanted officers, an eventual reduction of expense to the extent of *Rs.* 78,870*.

32. In

*DISTRICTS.	Judge's Salary and Allowances.	Assistant's Salary and Fees.	TOTAL.
S. Concan	1,—2,000 — —	2,— 856 — 66	2,856 — 66
N. Concan	1,—2,000 — —	2,— 788 1 36	2,788 1 36
Surat	1,—2,333 1 33	2,— 1,197 2 —	3,530 3 33
Broach	— — — —	2,— 1,375 3 33	1,375 3 33
Ahmedabad	1,—2,333 1 33 1/3	3,— 1,454 2 66 2/3	3,788 — —
Carnatic	— — — —	1,— 850 — —	850 — —
Poonah	1,—3,316 2 66	3,— 1,500 — —	4,816 2 66
Sholapore	— — — —	1,— 1,050 — —	1,050 — —
Ahmednugger	1,—3,316 2 66	1,— 750 — —	4,066 2 66
Candeish	— — — —	2,— 1,450 — —	1,450 — —
TOTAL	6,—1,5299 .3 98 1/3	19,—11,272 2 1 2/3	26,572 2 —

Total present establishment, per annum	3,18,870 — —
Establishment and allowances recommended by the Committee: Eight Judges at *Rs.* 30,000 each, per annum	2,40,000 — —
	78,870 — —

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32. In the charge for establishments, we are satisfied that no increase will in the aggregate be necessary in consequence of the proposed changes; for, adverting to the Hoojoo judicial establishments in Bengal and Madras *, it is obvious that those at Bombay are on a higher scale than is necessary, and that reductions in the establishments of the present judges and session judges may be effected, which, conjoined with the saving produced by the adoption of the establishments attached to the assistant judges, will fully cover every charge on account of establishment for the judges and session judges of the Southern Concan, Candeish and Darwar. We may further observe that no new expense on account of judicial buildings will need to be incurred, as there is already a court-house and gaol at each of the places proposed as the station of a judge and session judge.

33. The number of native commissioners and sudder ameens employed under the Bombay Government, appears from the latest returns in our possession to be 88, and their aggregate emoluments to have amounted on an average of years (excluding a period during which by the operation of a now rescinded rule their amount was fortuitously swelled) to rupees 1,47,404, giving rupees 1,675 as the average allowances of each individual.

34. Looking to the quantity of business, the population and extent of territory at Bombay, and to the number of native judges, which, in reference to similar circumstances, we have recommended for Bengal; we are of opinion that 80 native judges will be sufficient, both for the trial of all original civil suits, and for the performance of such criminal business as may be assigned to them by the session judge. A graduated scale of salary for native judicial officers seems to us preferable to the existing plan of paying partly by fees; for while through the prospect of promotion it holds out a stimulus to good conduct and an industrious discharge of duty, it has no tendency to cause business to be carelessly hurried over, and takes away all ground for any imputation that litigation might be fomented by the native judges with a view to their own profit. We would recommend, therefore, that the fees now receivable by the native commissioners, that is, the value of the stamp paper required to be used in pleadings in their courts, be carried to the credit of Government as stamp revenue, and that the scale of allowances proposed for similar offices in Bengal, as exhibited below †, be adopted at Bombay, the highest rate being *Rs.* 6,000, the lowest 1,200, and the average salary of each native judge *Rs.* 2,500 per annum.

35. The

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* SCALE of ESTABLISHMENT fixed for the ZILLAH COURTS under the *Madras* Presidency, in 1816.

Moofty	1,—	157	8	—	Brought up	—	955	8	—
Pundit	1,—	140	—	—	Moochey	1,—	14	—	—
Sheristadar	1,—	52	8	—	Ructavan	1,—	5	4	—
Government Vakeel	1,—	21	—	—	Massaljees	2,—	10	8	—
Head Writer	1,—	70	—	—	Sweeper	1,—	3	8	—
Writers	1,—	52	8	—	Nazir	1,—	35	—	—
Native Registrar	1,—	52	8	—	Naib	1,—	14	—	—
Record-keepers	2,—	70	—	—	Chobdars	2,—	21	—	—
Gomastahs	7,—	133	—	—	Head Deloyah	1,—	10	8	—
Persian Moonshees	2,—	63	—	—	Deloyets	12,—	84	—	—
Persian Writers	3,—	84	—	—	Peons	20,—	105	—	—
Native Doctor	1,—	14	—	—	Whipper	1,—	5	4	—
Swearers	3,—	31	8	—	Executioner	1,—	5	4	—
Shroff	1,—	14	—	—	Grave-digger	1,—	5	4	—
Carried up		955	8	—	TOTAL		1,274	—	—

	Where Six are wanted.	Where Eight are wanted.	Where Nine are wanted.
† At 6,000 per annum	1,— 6,000	1,— 6,000	1,— 6,000
4,800 —	— — —	— — —	1,— 4,800
3,000 —	1,— 3,000	2,— 6,000	1,— 3,000
1,800 —	2,— 3,600	3,— 5,400	3,— 5,400
1,200 —	2,— 2,400	2,— 2,400	3,— 3,600
TOTAL	6,—15,000	8,—19,800	9,—22,800
Average	2,500	2,475	2,533

35. The aggregate of the allowances of this class of officers, assuming the number to be 80, would therefore amount to *Rs.* 2,00,000, or *Rs.* 52,596 more than the emoluments heretofore received by the present body of native commissioners *.

36. Two or more of the native judges on the highest rate of salary should be employed at the sudder station in the manner described in para. 25, and the others be stationed at convenient places in the interior of the several districts.

37. The scale of allowances above proposed will, we think, afford a sufficiently liberal remuneration to the native judges in the first instance; but if their labours prove as useful as we are willing to anticipate, it may be proper eventually to reconsider their claims to increased emolument.

38. In our Report of the 30th May 1829, we recommended the abolition of the office of deputy agent for sirdars in the Deccan, and the reduction of the office establishment to the scale on which it originally stood; which measure received the approbation of your Lordship in Council, but has not been carried into effect for the reasons assigned in the documents now before us, which accompanied Mr. Secretary Williamson's letter of the 24th of October last to the deputy secretary to the Supreme Government, but the third member of Council at Bombay was in favour, we observe, of the measure proposed by us. Deputy Agent for Sirdars.

39. In noticing the memorandum of the agent for sirdars, relative to our recommendation, we by no means intend to offer the slightest objection to the reference made to him; but the result, we beg to observe, confirms the correctness of what we took the liberty of pointing out to your Lordship in Council, in our address of the 20th November last: "It is clear," we therein remarked, "that if for every item of reduction we are expected formally to submit to Government an elaborate explanation of reasons, and if reasons submitted by us are to be weighed and commented upon as if the adoption or rejection of what is proposed was a matter altogether optional or one of judicial inquiry, life would be too short for the hundredth part of what must be accomplished; and further, it is evident that if nothing is to be discontinued which cannot be proved to be mischievous or useless independent of financial considerations, Government must sink under its burdens long before any adequate reduction can be effected."

40. The memorandum by the agent for sirdars, accompanying the proceedings to which we allude, states that the list of privileged persons in 1828 contained 543 names. We have stated them at 504† on the authority of the Persian secretary to the Bombay Government, and the fact of the number being greater than we were informed is so much the more favourable to the argument on which our recommendation rested. The memorandum also shows a saving of *Rs.* 1,243 per annum, according to the calculation noted below‡, by consolidating the agent's office with the English and native record office; but we may observe, in reference to this trifling reduction of *Rs.* 1,243 per annum, that the amount of saving proposed by us was *Rs.* 29,436, and that the salary of the officer in charge of the records alluded to (and now

* YEARS.	Aggregate Amount of Salary.	Aggregate Amount of Fees.	TOTAL.
1826 - -	83,031	51,143	1,34,174
1829 - -	80,844	79,790	1,60,634
TOTAL - - -	1,63,875	1,30,933	2,94,808
		Average - - -	1,47,404
		Aggregate of proposed Allowances - - -	2,00,000
		Excess - - -	52,596

† Paragraph 24 of Finance Committee's Report to the Supreme Government, dated 30th May 1829.

‡ Agent's office - - - - - - - - - - - - - -	9,480
English and Native Record ditto - - - - - - - - - - - -	22,476
	31,956
Consolidation of above - - - - - - - - - - - - - -	38,796
Actual Increase - - -	6,840
Saving effected by the Judge of the Poona Adawlut since Mr. Elphinstone framed his list of sirdars - - - - - - - - - - - - - -	8,083
Net Saving per Annum - - -	1,243

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now holding the appointment of deputy agent for sirdars) forms an item of *Rs.* 18,000 per annum in the cost (*Rs.* 22,476) of the above office. We have only to add, that we see no ground for altering the recommendation already submitted to your Lordship in Council on this subject, and are of opinion that the agent for sirdars does not require a deputy to take charge of the English and native records of the Deccan (which in reality might with equal advantage be deposited in the collector's cutcherry at Poona), or to assist him in his other duties as agent.

Revenue Department.

41. The changes recently introduced into the revenue branch of administration at Bombay upon the principles adverted to in the 4th and 5th paras. of this letter, and already reported* to the Supreme Government, have been adopted with the view of making a considerable reduction in the number of collectorates. Exclusive of the Southern Mahratta Country, which we have above noticed, the establishment now consists of four principal collectors, three collectors, and one collector of sea customs, in lieu of 12 collectors of land revenue and customs. Each of the principal collectors has a sub-collector under him, who has separate charge of a portion of the division; and under the judge and principal collector of the Southern Mahratta Country there are two of these functionaries. Each principal collector and collector has also one head assistant, and several junior assistants, attached to him.

42. In regard to the formation of Guzerat into two principal collectorates, we are disposed to prefer, and to recommend for adoption, the principle of the arrangement already laid by us before your Lordship in Council †, which consisted in the division of Guzerat into one principal collectorate and two collectorates.

43. It seems to us that the revenue and police management of the Ahmedabad district, which is very extensive and scattered, cannot be conveniently united to that of any of the southern districts, and that Kaira would form too important a charge for a sub-collector. We should have been disposed, looking merely to this branch of the subject, to have proposed that the two central districts of Guzerat, Kaira and Broach, should form a principal collectorship; but as Broach has already been united with Surat, and as in the Judicial department those districts are placed under one judge, while Almedabad and Kaira are similarly united, it appears to us to be on the whole expedient to adopt the following arrangement in the Revenue department, viz. Almedabad and Kaira to be under separate collectors and magistrates, and Surat and Broach to continue, as now, under one principal collector stationed at the former, with a sub-collector at the latter place. We may observe that the officer now in charge of Kaira, under the designation of sub-collector, formerly had charge of the same district as collector, and still draws the allowances he previously received.

44. The same observation applies to the officer who now holds the situation of sub-collector in the Southern Concan. The union of the Northern and Southern Concan under one principal collector of land revenue and sea customs, is a measure which we apprehend, with reference to the locality and extent of those districts, will prove very injurious and even impracticable, and we observe that it was regarded in the same light by one ‡ of the members of the Bombay Government, who has recorded his opinion that the districts are too extensive to be converted into one principal collectorate.

45. The total length of territory under the principal collector's charge will be 372 miles north and south of the Presidency, and its average breadth about 55 miles; an extent which seems to us to be quite at variance with all reasonable expectation of an adequate superintendence; and on making a comparison in this respect with the scale of establishment found necessary in the provinces of Canara and Malabar in the same line of coast, under the Madras Government, the incongruity of the scheme for the revenue management of the Concan is peculiarly striking. The following comparison between the extent, population and land revenue of the North and South Concan (now united under one principal collector and sub-collector), and of the provinces of Malabar and Canara (which are under two principal collectors), will exhibit to your Lordship in Council the nature of the comparison to which our remarks are applied:

——	Length.	Average Breadth.	Population.	Land Revenue.
Malabar and Canara - - -	348	55	16,70,000	30,84,952
North and South Concans - -	372	55	10,43,000	23,29,666

46. Under

* Letter of the 4th January 1830, with enclosures, from the chief Secretary at Bombay to the Deputy Secretary in the Territorial Department in Bengal.

† Letter to the Supreme Government, dated 24th February 1830. App. No. 15.

‡ Vide Mr. Romer's Minute, dated 15th December 1829, enclosed in a despatch from the Bombay Government to the Supreme Government, dated 4th January 1830.

46. Under the conviction that in this instance the principle of consolidation has been carried to an extent calculated to be prejudicial to sound economy, we recommend reverting to the system of placing the North and South Concans under two collectors as formerly, instead of one principal collector. In the Southern Mahratta Country it would seem advisable to continue the system of a principal collector; but if the separation of the judicial and fiscal functions under that officer be carried into effect, as recommended in para. 22, we presume that the appointment of a second sub-collector in that district will cease.

47. The appointment of a revenue commissioner under the Bombay Government has been recently created, and the reasons for instituting this office are stated in Sir John Malcolm's Minute of the 1st December 1829; and a copy of the instructions, dated the 19th April 1830, for the guidance of the commissioner in conducting his duties, is already on the records of the Supreme Government *.

Revenue Commissioner.

48. In regard to the appointment in question, our senior member is of opinion that "it is unnecessary, because the Government itself is competent to exercise an efficient superintendence over the revenue business of eight districts, which are under the immediate charge of five principal collectors and three collectors. This is not the case at Madras, where there are twenty districts under the immediate charge of ten principal collectors and ten collectors. Without at present inquiring whether the system of superintendence at Madras admits of improvement, Mr. Hill is prepared to say, with perfect confidence, that that Government is not capable of taking the superintendence of its revenue business wholly into its own hands, which he considers as matter of regret, for he looks upon the system of immediate superintendence by Government to be in every respect preferable to that of Bengal and Madras. The next objection to this appointment, in Mr. Hill's opinion, is, that unless when rare qualifications happen to be found, the revenue commissioner will be liable to do much more harm than good. From the tenor of the instructions addressed to him, Mr. Hill thinks it is very obvious that there is in reality no vacant place in the scheme of revenue administration for him to occupy. If the collectors and the Government respectively perform their parts there will be little left for the superintendant to do. When he chooses to be active, he is likely to annoy the collectors without assisting the Government; and if there be deficiencies on the part of those over him, or of those under him, it does not seem to our senior member that the commissioner will have it in his power to supply them. Moreover, one ground on which this appointment was suggested has in some measure ceased to exist; as the increased number of principal collectors affords promotion in the revenue line which was formerly wanting."

49. The second member of our committee is of opinion that the intervention of some authority between the Government and the collectors and magistrates, to whom the people can look for the prompt redress of grievances they are likely to sustain, or think they sustain, even from the best of our executive officers, is essential to the good government of the country; and he would consider it an expedient arrangement to have three local commissioners of revenue and police, for the three great divisions of the Bombay territory, discontinuing the office of principal collector. He objects, consequently, to the appointment of the commissioner, not because he is likely to be altogether useless, but because, having an extent of jurisdiction that will prevent his exercising adequate control, his utility will not compensate for the expense. He conceives that with an authority extending from Ahmedabad to Darwar (for it may be presumed that the especial exemption from the commissioner's control, which the principal collector of the latter district possesses, will ultimately be removed), the commissioner would neither know the people, nor the people him, enough to gain the information and the influence that are necessary to inspire confidence and do justice in individual cases: and as to all functions of general control, the institution of the office appears to him to be little else than the appointment of an additional secretary to Government, with less prospect of advantage than might be anticipated from the latter arrangement.

50. Our third member, in the document accompanying our letter of the 24th February, to which he begs to refer †, has stated the reasons which lead him to be favourable to the scheme of

* Vide enclosure to the letter from the Chief Secretary at Bombay, dated 4th January 1830, to the Deputy Secretary in the Territorial Department in Bengal.

† Extract from a Minute by Mr. Bax, dated 16th June 1829:

Para. 46. There should be a superintendant of revenue appointed at Bombay, to reside in the Mofussil, whose duty should consist in visiting every collectorate as occasion demanded, receiving and inquiring into petitions, reporting to Government in the first instance on all applications to be made through him for revenue buildings and repairs, conducting inquiries in the Revenue department, and exercising in general, on the spot, that scrutiny and supervision which is now totally wanting, whereby a system of mismanagement, productive of serious loss to Government, and much injury and injustice to the people, has in some cases been allowed to continue unchecked until the ryots have themselves flocked for redress to the Presidency. This result must often ensue where an executive officer is uncontrolled, and is the sole reporter of his own acts and conduct.

Para. 47. The superintendant of revenue would have access to all the records of every principal collector, but it is not of course intended that the latter should send their correspondence with Government through him, except in the cases mentioned in the preceding paragraph. On the contrary, he should be informed that it is not the desire of Government to multiply business and correspondence by

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of superintendence now introduced. The appointment of revenue commisssioner seems to him to promise much benefit in the hands of an able and judicious revenue officer; and any arguments against its utility, founded on the circumstance that the office may be conferred on an inefficient person, might equally be applied, he thinks, to any office under the Government. Neither is he disposed to consider that the appointment should cease, because, from the extent of the superintendence, the commissioner cannot command such a vigorous control as would be the case if his charge was smaller.

51. Under these views relative to the appointment under consideration, the majority of the committee recommend that the office should be abolished; but if continued, we are unanimously of opinon that the establishment is made greatly too expensive, and that the office of assistant should cease. The estimated charge under this head, by the accountant-general, for the current year, is *Rs.* 72,900, but the charge originally contemplated on account of this office in Sir J. Malcolm s Minute of the 1st December 1829, was *Rs.* 56,600 *; and we therefore recommend, that if not abolished entirely, the aggregate charge be limited to *Rs.* 53,000.

52. We would also beg to recommend that the separate office of collector of customs of Guzerat be abolished, and that the superintendence of the department within this district be transferred, as has been done elsewhere, to the collectors of land revenue; an annual saving of *Rs.* 64,878 will result from this measure †.

53. The following number of assistants to be attached to principal collectors and magistrates would, under the plan we have suggested, amply provide for the fiscal administration of the several districts under the Bombay presidency: viz. to principal collectors and magistrates, one head assistant and one second assistant; to collectors and magistrates one head assistant; but to the collector of Candeish a second assistant to be allowed.

54. The above, we are of opinion, in addition to the sub-collectors, will be found a sufficient complement of assistants, and all others who may happen to be on the establishment should be considered supernumeraries.

55. In connection with the contemplated revision of the allowances of judicial officers, we beg to propose the following scale of salaries for covenanted officers in the Revenue department; viz.:

		Rs.
To Principal Collectors and Magistrates	per annum	36,000
Collector of Land Revenue and Sea Customs, Bombay		30,000
Sub-collectors and joint Magistrates		14,400
Head Assistants		8,400
Second Assistants		6,000

56. The result of the modifications suggested in the Revenue department will be a saving in

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his appointment, but rather to abridge it, by remedying on the spot many matters of complaint which are now referred to Government. It would of course be requisite, however, to frame more definite instructions for him than can be laid down here.

* Commissioner - - - - 45,000
Deputation allowance - - - 3,600
Establishment - - - - 8,000
56,600

† Collector of Sea Customs in Guzerat:

Guzerat:		
Collector	21,600	
Deputy	8,278	
		29,878
Concan, (already abolished):		
Collector	21,600	
Deputy	8,278	
		35,000
		64,878

in the salaries of covenanted officers of *Rs.* 1,52,400 per annum, exclusive of those of collectors of sea customs noticed above *.

57. The Kattywar agency does not call for any detailed remarks on our part, but from its denomination of a political agency, and from the nature of the duties annexed to it, the charge would appear to belong rather to the Political than to the Revenue branch of the administration; and we would also suggest the practicability of uniting it to the office of political commissioner in Guzerat.

(18.) Letter from Committee on Judicial and Revenue Establishments, Bombay. 20 September 1830.

59. It may be useful, before closing this report, to advert to the large amount and vast disproportion which, in several of the districts under the Bombay Government, the civil disbursements chargeable on the revenue bear to the gross collections. The subjoined statement will exhibit to your Lordship in Council the amount of the gross collections in each collectorate under that presidency, and the charges on account of revenue and judicial establishments of every description, distinguishing those denominated "village charges," which have only of late years been entered in the annual accounts of receipts and disbursements, and appear even now to have been only partially brought to account. The abstract has been framed from accounts furnished to us by the local officers, which apparently include some items that are not exhibited in the accounts rendered by the Accountant-general. It will thence be observed that the local civil charges amount in some districts to 30, 40, and in one instance nearly 60 per cent. on the gross collections.

Village Charges.

Vide Column 3 of the Statement.

STATEMENT

* DISTRICTS.	Collectors.	Assistant Collectors.	TOTAL.
		Dy Collector.	
Bombay	1,— 4,166 ½	1,— 1,083 ½	5,250
South Concan	1,— 2,000	4,— 2,050	4,050
North ditto	1,— 2,000	3,— 1,650	3,650
Surat	1,— 2,000	3,— 1,650	3,650
Broach	1,— 2,000	3,— 1,650	3,650
Kaira	1,— 2,000	3,— 1,650	3,650
Ahmedabad	1,— 2,000	3,— 1,650	3,650
Poonah	1,— 2,800	5,— 3,300	6,100
Ahmednuggur	1,— 2,100	4,— 2,500	4,650
Candeish	1,— 2,100	3,— 2,150	4,250
Carnatic — Principal Collector	1,— 3,500		
Carnatic — Sub-Collector	1,— 1,400	4,— 2,550	7,450
TOTAL	12,—28,066 ½	36,—21,933 ½	50,000
		Per Annum	6,00,000

Establishments and Allowances proposed by the Committee:

1	Collector of Land and Sea Customs, Bombay	30,000	
3	Principal Collectors	at 36,000 each	108,000
6	Collectors	26,400 —	158,400
3	Sub ditto	14,400 —	43,200
10	Head Assistant ditto	8,400 —	84,000
4	Assistant ditto	6,000 —	24,000
			4,47,600
		Saving	1,52,400

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STATEMENT showing the Total Amount of Collections and Disbursements,

NAMES.	No. 1. Gross aggregate Collections, under every Denomination or Head.	No. 2. Aggregate Charges of the Revenue and Magisterial Departments, under the Collector and Zillah Magistrate.	No. 3. Village Charges of all Denominations, whether they appear in the Public Accounts, or are deducted from the Revenue without passing through the Treasury.
Southern Concan	18,41,845	2,84,133	1,98,028
Northern ditto	14,15,795	2,83,856	1,91,325
Surat	22,23,627	1,88,441	3,92,485
Broach	20,30,967	1,82,277	2,30,146
Kaira	24,11,625	4,53,582	2,84,521
Ahmedabad	17,01,764	2,14,306	1,97,545
Poonah	20,56,106	3,68,610	2,88,098
Ahmednuggur	21,83,035	4,01,035	2,68,305
Candeish	19,87,683	5,97,129	4,15,581
Darwar	23,76,562	2,37,893	34,190
Total	2,02,29,009	32,11,262	25,00,224

60. The difference between the rate per cent. which the charges in the Southern Mahratta Country bear to the gross revenue of that district, and the rate of the charges to the collections in the districts composing the Deccan, acquired about the same period, and which, having been under the same government, were at the time of cession in many respects similarly circumstanced, is very remarkable: in the Southern Mahratta Country the rate is 11 and a fraction per cent., while in the Deccan it varies from 31 to 40 per cent. Thus in the Poonah district a gross revenue of 20 lacks and a half is reduced to less than 14 lacks; and in Admednuggur it falls from nearly 22 to less than 14 lacks of rupees. The disparity just noticed results chiefly, it will be remarked, from the excess under the head of Village Charges in the latter districts.

61. On examining the details of these charges, it is very evident that in regulating them in the Southern Mahratta Country, a different course was pursued from that followed in the Deccan. The leading distinction is this, that in the Deccan the claims of the district and village revenue officers who had been employed under the Mahratta government, to the hereditary and unconditional enjoyment of their respective allowances, appear to have been admitted, while in the country settled by Sir Thomas Munro their allowances ceased with their services; and, in fact, that in the former territory the British Government has been burdened with a heavy expense for the maintenance of an establishment of officers, who, though their allowances are continued to them, render no service whatever to the State: moreover, the emoluments of hereditary and other village officers, who are still employed, appear also to be on a more liberal scale in the Deccan, and the amount allowed for village contingent expenses, embracing in some instances various items of an objectionable nature, such as extra pay, batta and deputation allowance to public servants, salaries, &c., seems to be extravagant. The consequence is, that in the districts in question the village charges amount to from 11 to 14 per cent. of the gross collections: in Darwar, on the other hand, the rate of charge is only $1\frac{1}{2}$ per cent.

62. We are not in possession of sufficient information on the subject to enable us to state precisely the principles that should be attended to in the investigation and future regulation of the charges in question, and perhaps it is not our province to do more than thus generally bring the subject under the notice of your Lordship in Council; but feeling satisfied, from the inquiries we have instituted, that by a judicious local scrutiny a wide field for retrenchment, immediately or prospectively, will be discovered, if the principles that have guided the British Government in other quarters be followed, and that, without any infringement of the just and reasonable claims of individuals, the public revenues in these districts might be considerably improved, we would respectfully recommend that the attention of the local Government be particularly requested to that object.

63. We have adhered to the general amount of allowances adopted by the Government of Bombay, for the appointments proposed to be maintained; the alterations suggested by us operating as a transfer from one class of officers to another; and looking merely to the duties of the several offices, the emoluments proposed for each appear to be appropriate. But in reviewing generally the salaries drawn by the covenanted civil servants of the three presidencies, we may hereafter have occasion to suggest some modification in the allowances assigned to particular situations: on that point, therefore, we would not be understood as pronouncing a conclusive judgment.

during the Year 1827-28, in the several Zillahs under the Bombay Presidency.

(18.) Letter from Committee on Judicial and Revenue Establishments, Bombay. 20 September 1830.

No. 4. Charges on Account of the Zillah and Criminal Courts.	No. 5. Total Amount of Charges in the Revenue and Judicial Departments.	No. 6. Aggregate net Collections, after deducting the Total Amount of Charges in the Revenue and Judicial Departments.	No. 7. Rate of Centage which the Total Amount of Charges in the Revenue and Judicial Departments bears to the gross Aggregate Collections comprehended in Col. No. 1.	No. 8. Rate of Centage which the Village Charges in Col. 3. bear to the gross Collections in Col. 1.
1,04,494	5,86,655	12,55,190	31 1 23	10 3 –
83,130	5,58,311	8,57,484	39 1 73	13 2 5
3,17,231	8,98,157	13,25,470	40 1 56	17 2 62
65,626	4,78,049	15,52,918	23 2 15	11 1 32
99,277	8,37,380	15,74,245	34 2 80	11 3 19
1,27,843	5,39,694	11,62,070	31 2 85	11 2 43
1,74,323	8,31,031	12,25,075	40 1 67	14 – 4
1,42,105	8,11,445	13,71,590	37 – 68	12 1 16
1,63,389	11,76,099	8,11,584	59 – 67	20 3 63
- - -	2,72,083	21,04,479	11 1 79	1 1 75
12,77,418	69,88,904	1,32,40,105	34 2 20	12 1 34

(19.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 1st May 1830.

(19.) Letter from Committee on Abolition of Deccan Revenue Survey. 1 May 1830.

My Lord,

1. THE recent arrangements made in the Revenue and Judicial departments at Bombay, in consequence of the enactments contained in Regulations I. to VI. of 1830, have rendered a reference necessary on our part to that Government; but in the mean time we have the honour to submit to your Lordship in Council a suggestion for abolishing the revenue survey and assessment in the Deccan, and to state the reasons which induce us to offer this suggestion.

2. The survey in question is a new charge since the year 1823–24, and may be estimated at an aggregate annual expense of *Rs.* 1,50,000. The principles on which it is conducted, and the progress of it, are fully described in the able report of Mr. Pringle, the superintendant, dated 6th October 1828; and as this document is already on the records of the Supreme Government, we beg to refer to it in conjunction with the present observations.

3. To us it appears more than doubtful whether any one can assess successfully on the plan explained by Mr. Pringle; it assumes a degree of detailed knowledge which it must be impracticable to attain. Moreover, some of these principles seem to be at variance with all experience; as, for instance, the assumption that all the best land has been first brought under cultivation, especially when applied to countries long subject to misrule and disorder; for, under such circumstances, it will rarely be found that either the best land or the most valuable crops have been cultivated to the utmost extent. The consequence of acting on this hypothesis, we apprehend, must necessarily be the under-assessment of the best lands and the best villages, and, if Mr. Pringle's data be correctly established, the under-assessment also of inferior lands and villages.

4. It is quite right, we conceive, in places where the prescriptive privileges of the people allow us to do so, to keep in view chiefly the object of leaving a certain proportion of the net profit or rent to the cultivators, as far as fluctuations of season and market allow; but we greatly doubt whether any calculation, however specious on paper, will lead us so near to the attainment of the object as Sir Thomas Munro's plan of causing what appeared to him to be the utmost sum that could be demanded from a given tract, to be distributed among villages and over fields, and thence making a rateable deduction for the purpose of creating private property. The process was certainly simpler; but after all, certainty for the future, and *that* the certainty of not having to pay more than can be easily paid on an average of seasons, is the main thing to be sought for. But whatever principles of assessment be adopted, it seems to us to be a bad plan to vest the duty of superintending the application of them in a distinct officer, rather than the collector: for we thus in effect sacrifice the advantages of that local knowledge and experience which seems to be essential

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to anything like a just and satisfactory settlement. We saddle the Government for an indefinite period with a double establishment, and while our assessing officer is without the lights which the course of collection necessarily throws upon the condition and character of the people, the subsequent proceedings of the collector must manifestly be conducted under great disadvantage, when he is called upon to apply an assessment, and to meet the pleas arising out of its application, with an imperfect knowledge of the real grounds on which it has been adjusted. We say the real grounds, because we are quite satisfied that under any scheme which professes to adjust the Government demand by an unvarying rule, the records prepared by the native officers will be constantly fallacious.

5. We are not fully informed of the extent of the powers vested in Mr. Pringle, but from the tenor of his report we are led to conclude that they exceed greatly what it has been usual to entrust to any single executive officer; and with the highest opinion of his talents, we cannot but apprehend that, from want of local information, he must, in avoiding over-assessment, be induced to make a large sacrifice to the public revenue. Further, we conceive that the deductions to be allowed with the view of creating a property, should be settled on some fixed principle, and applied uniformly to all the presidencies where the hands of Government are not tied up; it is inconsistent, in our opinion, to be allowing 40 per cent. of the net profit in one place, and nothing in another. Abatements made on account of local peculiarities of soil or season, or in consideration of other special circumstances, must of course be differently regulated in each district; but the principles laid down in Mr. Pringle's report appear to us to be of general application, though partially applied.

6. On examining the former proceedings which have taken place on the subject of this survey, we find that its abolition was recommended to the Government by a committee* which assembled at Bombay nearly three years ago, "as having only very recently been commenced;" and in regard to the revenue surveys then in progress, the committee, in their report of the 8th June 1827, remarks, "much as we doubt their utility, still where the institution has existed for any length of time, and may be presumed to have made considerable progress in their labours, we have provided for their continuance."

7. The late Governor of Bombay did not adopt the suggestion for abolishing this survey, but remarks in a Minute dated 11th June 1827, "The Deccan and Concan surveys will terminate, I shall say, in three years at furthest." This interval has already nearly expired, and judging from the little progress that has been made, we should consider 20 years to be a moderate period for its completion.

8. On the foregoing grounds, as well as on the ground of heavy expense without any adequate prospect of benefit (but rather an expectation of evil) we are clearly of opinion that the Deccan survey and assessment should be immediately abolished.

9. We beg, in conclusion, to state, that Mr. Russell, the late senior member of our Committee, having perused Mr. Pringle's report, and notes on the subject of it containing the substance of the above remarks, expressed his full concurrence in the views now submitted; and we shall not of course be understood as giving an opinion adverse to surveys conducted by collectors on the plan followed under the Government of Fort St. George.

We have, &c.

(signed) *D. Hill.*
H. Mackenzie.
John Bax.

(20.) Letter from Committee, on Civil Establishments, Madras. 5 May 1830.

(20.)—EXTRACT of a LETTER from the *Calcutta* Civil Finance Committee, to the Governor-general in Council at *Bengal*, dated 5th May 1830.

Commissioners' Court.

29. THERE has been an addition of about *Rs.* 11,000, to the expense of the Court of Commissioners for the Recovery of Small Debts, consisting of an addition of *Rs.* 6,000 to the salaries of the commissioners, and of an addition to the servants of the court in consequence of the great increase both of the business transacted in that most useful establishment, and also of the fees realized by it on account of Government. Those fees in 1827–28, amounted to *Rs.* 55,141, and exceeded the whole expense of the Court by *Rs.* 7,199.

Court of Sudder Adawlut.

31. We have already recommended that on a vacancy, the appointment of third judge of the Sudder Adawlut, created since the year 1823, should not be filled up. The saving would amount to *Rs.* 49,000 per annum. In the present state of the finances of Government, we are confirmed in that recommendation by adverting to the proportion between the number of judges of the Sudder Adawlut and of Zillah Courts in Bengal, and on the Madras establishment. In Bengal there are 47 zillah and city judges, and five judges of the Sudder Adawlut. At Madras there are 13 zillah judges, of whom we are about to recommend that one should be discontinued, and six auxiliary judges. Even with only two judges of the Sudder Adawlut,

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* The members of this Committee were, the present chief secretary, superintendant of revenue, accountant-general, sub-treasurer.

Adawlut, the proportion to the number of zillah judges (including the auxiliary judges in that class) would exceed that of Bengal. We are further confirmed in the recommendation by being strongly of opinion that it is of importance, on grounds distinct from economy, that one of the members of Government should always hold the office of a judge of the Sudder Adawlut, and take upon himself a substantive share of the duties of that court. The other functions of a member of Government at the subordinate presidencies are not of a nature or extent to interfere with this salutary arrangement, and the previous occupation of one or both of the counsellors will generally have prepared them to give complete effect to it. At present one of the members of council at Madras, was for nearly 20 years a judge either of the Sudder Adawlut or of a provincial court; and the other was for several years a judge of a provincial court. On these grounds we are inclined to be of opinion that under the present urgent call for economy, two sudder judges, besides a member of council as chief judge, should be sufficient on the Madras establishment.

32. From the civil auditor's book of 1829, it appears that the present registrar of the Sudder Adawlut, besides his own salary of *Rs.* 26,250, draws also the salary of deputy-registrar, being *Rs.* 10,500. This arrangement is objectionable on principle as well as on grounds of economy. A deputy's duty is merely to afford the aid of which a principal stands in need. If the principal needs no aid he requires no deputy. On neither supposition can he be deputy to himself; but in this case the registrar has two other deputies, independently of the one whose salary he himself draws. This extra allowance, if it be still drawn, ought to be discontinued. We are further of opinion that one deputy and one assistant ought to be sufficient in addition to the registrar, and would therefore recommend that the office of the other deputy should be abolished, which would produce a saving of *Rs.* 12,000 per annum.

Guntoor Zillah Court.

33. An additional Zillah Court was established at Guntoor, in the year 1828, but owing to accidental circumstances, has hitherto transacted scarcely any business. Its jurisdiction is very limited, and though on account of the detached position of the zillah, it would be desirable to have a distinct court there, if it were not for the objection on grounds of expense, yet, considering the present force of that objection, it seems proper to revert to the arrangement, which, except for short intervals, has prevailed since the introduction of the judicial system, viz. that of attaching Guntoor to the jurisdiction of the court at Nellore. This will produce a saving of *Rs.* 63,049.

Auxiliary Court.

34. We are not prepared to offer any suggestion in regard to the Auxiliary Courts established in the year 1825, and sanctioned by the Court of Directors. They were substituted for Zillah Courts, which had previously been abolished, and are attended with only half the expense.

Native Judge at Coligall.

35. The Government also established a native judge in one of the Madras districts, with nearly the full powers of a zillah judge. This was intended principally as an experiment, and as a step towards the employment of natives in stations of higher trust and emolument. The whole expense is only about 1,000 rupees a month; the experiment is so consonant with the liberal views towards the natives which begin to prevail, that we are of opinion that it ought not to be given up, but rather persevered in and extended. Of course on any general modification of the judicial system, the allowances assigned in the individual case would come under revision.

36. Although the courts in question have been established subsequently to 1823, we are not compelled on the principle already explained as that now followed by us, to determine finally whether they shall be permanently maintained, because we can suggest the means of covering the expense attending their institutions, by an arrangement decidedly preferable, in our judgment, to their discontinuance. For this purpose we conceive, that without any essential alteration in the structure and working of the judicial system, the principle of individual agency may be conveniently and unexceptionably applied to the provincial courts of appeal and circuit. There are at present four of these courts consisting of three judges each: for these we would substitute seven judges acting singly. Four of these judges would have jurisdiction over three zillah or auxiliary courts, and three over two each. In civil judicature it would be an improvement to relieve them from all original jurisdiction: this would save time to the suitors in the trial of original suits; and it would also save expense in the establishment to be attached to the provincial judge. Appeals under a certain amount might lie from the zillah to the provincial judge; appeals of right above that amount, and special appeals in all cases, might lie to the Sudder Adawlut. The duties of provincial judge of appeal and circuit remaining always in the same hands, much time now lost in the half-yearly interchange of those duties, would be saved. The duties of gaol delivery being reduced nearly one half in each range, and the distance to be travelled over being much diminished, it might be expected that those duties would not occupy more than three or four months of each year. The office of provincial registrar would no longer be necessary, as his duties would be more satisfactorily performed by the judge himself. The native establishment for a collective court of three judges would be more than sufficient for two separate judges.

Provincial Courts of Appeal and Circuit.

37. The proposed change in the constitution of the provincial courts would afford a convenient opportunity for discontinuing the use of Mahommedan law officers in criminal trials. By Regulation I. of 1825, and VI. of 1829, the futwah rendered by those officers is nearly reduced to an empty form. If the English judge considers the crime laid to the prisoner's charge to be proved, the Mahommedan law officer is required to get over the scrupulous distinctions of his law, so as to enable him to render a futwah conformable to that opinion. This is reasonable, but it would be more so to give up the futwah altogether. On the Bombay

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establishment criminal trials have never been conducted according to Mahommedan law. As now used in the Madras courts, the law serves only to hamper, but never to assist. The only assistance derivable from the law officers is that afforded by the opinion of an educated and disciplined native intellect upon the merits of the trial. That advantage may be secured in a more direct, and much more satisfactory manner, by the employment of native judges and juries.

38. The salaries of the three judges of a provincial court, are respectively *Rs.* 42,000, *Rs.* 38,500, and *Rs.* 35,000 per annum. It probably would not be considered more than sufficient to fix the salaries of the new provincial judges at *Rs.* 40,000. In an arrangement of a general nature like the present, we think it right to state that we would not propose that the five supernumerary judges should be put out of employ, but rather that they should retain their present salaries, and as extra provincial judges should clear off the arrears upon the files of the courts to be discontinued, so that the new judges should commence without arrears; or should be engaged on such other duties as the Government might assign to them. As vacancies occur among the provincial or zillah judges, the supernumerary judges should be appointed to fill them, retaining their present salaries when appointed zillah judges. In this manner, before the expiration of a year, the proposed reduction would probably be carried into complete effect.

Zillah Registrars.

39. We beg leave to suggest a further reduction of expense of abolishing the office of zillah registrar, and transferring his duties, both civil and criminal, to sudder ameens. Whatever may be said for other parts of our judicial system, nothing but necessity, real or supposed, can be urged in defence of the powers, particularly in criminal cases, vested in persons so young and inexperienced as those who usually hold that office. In criminal trials the sentiments of sudder ameens should be liable to be revised, and either sanctioned or set aside by the criminal judge, and ought only to be executed under that officer's directions; but with these checks it seems absurd to withhold from the most discreet and respectable natives whom we are able to select, such criminal authority as is habitually exercised by young men who in England would not probably have entered upon business at all. There are at present two sudder ameens in each zillah, the Mahommedan and Hindoo law officers of the court. We would recommend the addition of a third. By raising their jurisdiction in civil suits at least to 1,000 rupees, (the limit of the registrar's jurisdiction) and gradually beyond that amount, their fees would be increased; but, on the other hand, by being employed in criminal business, they would have less time for trying civil suits, and by having one added to their number, would have to share the fees among three instead of two. Independently of this last consideration, we attach importance to raising the scale of the native judges' emoluments, and with it their respectability. At present the Mahommedan law officer receives a salary of 175, and the Hindoo law officer a salary of 140 rupees per mensem. We would recommend that the first of the three sudder ameens (whether Mahommedan or Hindoo), should receive 250; and each of the others 200 rupees a month. The salaries of 12 zillah registrars amount to *Rs.* 75,600, the increased expense for sudder ameens would amount to *Rs.* 48,240, so that there would be a net saving of *Rs.* 27,360.

40. We believe that we have sufficiently defined the several changes in the judicial establishment which we mean to propose. We refrain from entering more into detail until it appears whether they are to be adopted. Although we bring them forward as measures of economy rather than as measures of reform, yet we indulge a confident persuasion that their tendency would be in every instance to promote, in none to impair, the efficiency of the system.

41.

	Rs.
The twelve judges proposed to be discontinued, receive an aggregate salary of	4,62,000
The four registrars	33,600
The Mahommedan law officers	38,616
	5,34,216
The seven new provincial judges would receive	2,80,000
	2,54,216
The substitution of sudder ameens for zillah registrars	27,360
Total saving	2,81,576

42. The Foujdarry Adawlut might probably be able to effect some reduction in the charge for law officers in that court, if Mahommedan law were disused in criminal judicature. The Mahommedan law officers of the Zillah Courts, who are chiefly employed as sudder ameens, would, together with the pundits, serve when necessary as legal assessors to the provincial, as well as to the zillah judges under the proposed arrangement.

The modifications of the judicial establishment and system which we have recommended, particularly the extended use of native agency, will naturally pave the way for further alterations. The period for introducing them, their extent and their particular form, will depend upon the success and progress of the preparatory measures; and we deem it sufficient to take this notice of them, for the sake of showing that we do not look upon the arrangements now proposed as being of a fixed nature.

Revenue Department. Board of Revenue.

44. On the principle to which we have restricted ourselves in the revision in which we are at present engaged, we do not propose to take this occasion of discussing the question of collective or individual agency, raised in the letter from the Honourable the Court of Directors,

Directors, dated 18th February 1829. When that question comes under discussion, it will at Madras be especially applicable to the Board of Revenue. With the view of rendering that institution more efficient, Sir Thomas Munro attached a native cutcherry to it, and subsequently recommended to the Court of Directors that the salaries of its three members should be increased, and that a fourth member should be added, in order that one of its members might frequently be deputed on circuit through the districts. The Court of Directors acceded to the whole of this recommendation. The allowances of the secretary and his deputies have also been increased. The civil auditor accordingly exhibits an excess of charge in 1829 above 1823, amounting to *Rs.* 48,708, and as the authorized increase of the members' salaries has taken effect since the civil auditor's book of 1st of May 1829 was prepared, an addition of *Rs.* 9,600 has to be made to the excess on that account, raising it to *Rs.* 58,308. We have already recommended, in our letter of the 24th December 1829, that the first vacancy which may occur in the Board of Revenue should not be filled up, and, diffident as we feel in interfering with Sir Thomas Munro's arrangements for the Board's efficiency, we deem it incumbent upon us to adhere to that recommendation. The discontinuance of the fourth member would be attended with an annual saving of *Rs.* 35,000.

(20.) Letter from Committee, on Civil Establishments, Madras; 5 May 1830.

45. The land customs have, for some years past, been rented with great success throughout the Madras territories, excepting only at the presidency. At the presidency the duties on betel, tobacco, spirituous liquors, and some other articles, are usually rented; and we are not aware of any obstacle to renting the land customs generally, and are of opinion that the measures would probably have the effect of improving the revenue. We take the liberty of suggesting that it may be referred for the consideration of the Madras Government; and that if it be found advisable to adopt that measure, the office of collector of Madras, with that of the deputy, may be abolished. The remaining duties would be so inconsiderable, that they could, without inconvenience, be distributed among the secretary to the Board of Revenue, the collector of Sea Customs, and the superintendant of police. The saving of expense by this arrangement would not fall short of half a lac of rupees; but we refrain from taking credit for it in the accompanying statement, as we have not the means of forming a decided opinion with regard to its practicability, and as its adoption must at any rate be attended with delay.

Collector of Madras.

46. We find that the following appointments have been created since 1823, viz. a second sub-collector in each of the three districts of Canara, Cuddapah and Tanjore, an engineer on the Neilgherry Hills, and three assistant civil engineers. The salaries of the three sub-collectors amount to *Rs.* 42,000 per annum, and their establishments cost about *Rs.* 24,000 more. The charge for the extra engineers amounts to *Rs.* 21,396. All these appointments ought, in our opinion, to be discontinued; the duties of the three districts in which additional sub-collectors have been appointed are not heavier than those of other districts, and if they were, they ought, in these times of financial difficulty, to be met with better arrangements and increased exertions, not with an increased establishment. The plea of increased duties would never be wanting, if it were always followed by compliance with applications for additional officers to perform them. We would therefore recommend, as a standing rule, that the number of sub-collectors should not be allowed to exceed what it was in 1823, viz. 12. As there is a regular establishment of three civil engineers, and a special arrangement for the duties of civil engineer on the Malabar coast, the appointment of assistant-engineer, attended with a charge of *Rs.* 5,532, should be abolished. The ordinary duties on the Neilgherry Hills, where the state of the weather does not admit of engineers' work being carried on more than three or four months in the year, ought in the same manner to be performed by the regular civil and military engineer officers in the southern division. If this special appointment indicates an intention to execute extensive and costly works on the Neilgherries, requiring an exclusive superintendence, the intention and the appointment ought both to be dropped in the present state of the Company's finances. In the Sea Custom-house at Madras there is an assistant, besides the collector and a deputy. The extent of duty in that office does not require more than two European officers, and the abolition of the assistant's appointment would effect a saving of *Rs.* 10,000 per annum.

Additional Sub-collectors and extra Civil Engineers.

Assistant Collector of Sea Customs at Madras.

47. The Government of Fort St. George have recently effected large reductions in the establishments of most of the collectors, and we believe that a considerable portion of those reductions is of a date subsequent to the civil auditor's book for 1829, and ought therefore to be taken in abatement of the amount of charges exhibited in that book. To whatever degree this may be the case, the actual charges will fall short of the amount at which they are assumed to stand.

(21.)—LETTER from the Governor in Council at *Madras* (Judicial Department), dated 2d November 1830.

(21.) Letter from Madras Government, on proposed Modifications; 2 Nov. 1830.

Honourable Sirs,

1. WITH reference to our despatch in the Financial department, dated the 24th September 1830, we have the honour to lay before your Honourable Court the accompanying extract

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from the proccedings of the Court of Sudder and Foujdarry Adawlut, under date the 19th October 1830, submitting their sentiments as to the best mode of carrying into effect such of the reforms discussed in our President's Minute of the 14th September 1830, on the Report of the Bengal Finance Committee, as we considered expedient.

2. We have approved of the arrangement of the circuits, as suggested in the 2d paragraph of the proceedings of the Sudder and Foujdarry Adawlut, and have resolved to adopt the several suggestions submitted in the paragraphs of the Committee's proceedings, which are noted in the margin; but your Honourable Court may rely upon our vigilant attention to the effect produced by these changes in the administration of justice in these territories; and we have desired, with reference to paragraph 11, that it may be provided that, whenever a judge of circuit shall consider the dismissal of a head of talook police, or other native police officer, to be necessary, he shall make known the same to the magistrate, in the first instance, and communicate the grounds of his opinion to that officer, who will then be required to give immediate effect, in his own name, to the course of proceeding pointed out by the judge of circuit.

11. 13, 14, 15, 16, 17. 19, 20. 22, 23. 25. 28, 29. 35. 37. 39. 43, 44, 45, 46 & 50.

3. We have desired the Sudder and Foujdarry Adawlut to prepare and submit, with all practicable expedition, drafts of such Regulations as may be necessary to give effect to the arrangements which we have sanctioned, and of any circular orders which may require to be addressed to the courts in the provinces, for their information and guidance on the occasion of the commencement of the new system.

We have the honour to be, with the greatest respect,
Honourable Sirs,
Your faithful humble Servants,

(signed) *S. R. Lushington.*
G. T. Walker, Lieutenant-general.
C. Harris.

(Enclosure.)

Minute of the Right Hon. S. R. Lushington; 14 Sept. 1830.

Extract MINUTE of the Right Honourable *Stephen R. Lushington*, Governor of *Madras*, dated 14 September 1830.

17. THE most important suggestions of the Committee, both in amount and in principle, are the substitution of native judges and juries for the present European registrars, and the reduction of the judges of circuit from twelve to seven persons.

18. With regard to the introduction of native juries, the Court of Directors have already approved of the hesitation of this Government to adopt that measure, and of the suspension of the Regulation passed for the purpose of introducing it. My opinions have undergone no change as far as regards the inexpedieney of employing native juries to find verdicts in the courts of European judges. I continue to think that the assemblage of a great many heads of families from different parts of an extensive province at the station of the court, where they must come from such distances, attended by a part of their family, and where they would be long absent from their homes and their business, and their family and religious ceremonies, (a very important part of the life of a Hindoo,) would be felt as a grievous hardship by the natives themselves; and that their contending and corrupt opinions would embarrass rather than assist the European judge in his proceedings.

19. In a people educated and constituted as they at present are, it is vain to expect that the feelings of personal interest shall of a sudden become subservient to the principles of patriotism and public honour, or that they should take upon themselves what they consider to be the duty of the sovereign, and for which they know that they pay him well, the administration of public justice, to the sacrifice of their own time and domestic concerns. There must be a great change before the feelings and the institutions of a free country can be expected to arise and flourish amongst the people of India; and when we remember that trial by jury, conducted as that noble institution is in our own country by free men, enlightened by education and Christianity, is scarcely yet known amongst the nations of the continent of Europe as an instrument of public justice, it is no unkind reflection upon the people here to say, that they are not yet fitted for it in the provinces. Of this truth there cannot be a stronger demonstration than the well-known fact, that out of a population in Madras of 500,000 souls, only 79 Hindoos have been declared qualified to sit as jurors.

20. Influenced by these considerations, we stated to the authorities at home our opinion, that it would be unwise at present to force the trial by jury into practice in the provinces, in the courts of European judges in the manner proposed; and they consequently resolved first to see how the system may work at the presidencies under the fostering care of the judges, where the population have been so much longer habituated to English manners and customs.

21. But although in the present state of education and morality in these territories I should deem it highly inexpedient at once to introduce the system of trial by jury, to the extent to which it was originally proposed by Messrs. Newnham and Dacre, vesting large powers in the jurors in cases of life and death, and inflicting upon them and their families all the serious inconveniences which I have noticed; still the more limited extent of the power and local jurisdictions allotted to native judges and sudder ameens might render attendance on a jury less burdensome and objectionable to the cultivator and the merchant, while the native judge's

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(21.) Minute of the Right Hon. S. R. Lushington; 14 Sept. 1830.

more intimate knowledge of the character of each person would give him facilities in detecting sinister motives, in attributing its proper weight to the opinion of each, and in shortening the proceedings, which no European could ever hope to possess; and if every practicable publicity be given to the merits of each case, and to the sentence, this might operate as a wholesome restraint upon the native judge's conduct. Sincerely sharing in the Honourable Court's desire to elevate the character and improve the condition of the natives, I shall be much gratified if the Sudder Adawlut are able to perfect the details of a plan that shall satisfy themselves and this Government that we may safely make the experiment proposed without really inflicting hardship upon the people, and without injury to the pure administration of justice.

22. It is in this spirit that the reforms and the reductions made by this Government have been undertaken; and in examining the recommendations of the Finance Committee, I have had these principles constantly before me. Although we have diminished the expense of collecting the revenue, we have taken every proper opportunity of bringing forward the natives to offices of higher authority than they have been accustomed to fill; and in reforming our European establishments we have in all possible instances regarded existing interests and the habits and feelings of the individuals affected by these changes. Notwithstanding the great pecuniary relief which these reforms will bring to the Company, I persuade myself that we have not rashly broken down establishments that are necessary to the good government of the country, or forgotten the claims which the mass of the people have upon the Company's justice, generosity and protection. For the accomplishment of these great purposes nothing is more essential than to take care that the offices and the degrees of power granted to the upper classes over those who are beneath them, independent of European control, are kept within due limits, and that the public duties which we impose upon them are such as they are capable of performing without hardship to themselves or injustice to their fellows.

23. In the revenue part of our administration the duties entrusted to the upper classes of the natives are of a most important nature, and the remuneration bestowed upon their services has long been greater, both in present pay and in retired allowances, than is enjoyed by the fiscal officers of Great Britain, or of any other state; and the remuneration granted to the native judicial officers of the higher classes is upon the same scale of liberality. In extending to them the full powers contemplated in the Regulations for constituting the office of native judge, it has however been deemed necessary to be cautious and sparing; but if further experience should fully justify the employment of natives in the high office of judge, it will only be necessary to give effect more generally to the liberal provisions of Regulations VII. and VIII., 1827.

24. Upon the expediency and justice of making reforms, whether as improvements in the administration of justice or the collection of the revenue, or as reductions in our expenditure, in this gradual manner, except in cases of a very obvious and pressing nature, I have never doubted; and I am rejoiced to find that the expectations of the authorities at home are tempered by this consideration, as I find clearly stated in the speech made to Parliament by the noble President of the Board of Control, on the 15th February, and of which his Lordship has been pleased to transmit to me a corrected copy.

25. Applying as it does so directly to the important subject under our consideration, and concurring as I do most cordially in the spirit which pervades it, I beg to call the particular attention of the Board to the following extract:—

"I can assure your Lordships that it will be impossible for any government, in this or any other country, to issue orders more strongly worded than have been issued for the reduction of expenditure in every department of the state in India. That it is most desirable to effect an economical reform in every department of the state, is equally felt by the Governments of India, and by the noble Lord at the head of administration in that country; and no individual could apply himself certainly with greater zeal and firmness than that noble Lord has already done to effect an object which is not more his own than it is that of the Government under which he acts. At the same time, I cannot hold out to the House the prospect of more than a gradual and moderate increase in the revenue of the East India Company. Above all, I deprecate making an increase in it by the laying on of additional charges upon the internal or external trade of that country, or by imposing additional burdens on the people. It is only by diminishing the expense of collecting the revenue, by the introduction of an improved mode of collection, and by effecting all the reductions which can be made without injury to the civil or military departments of the Government, that an increase in the revenue ought to be effected. Among the means of reducing the expenditure, is the very desirable one of reducing gradually the number of European establishments in India, and of bringing forward, gradually, however, and with extreme caution, the natives to offices of higher authority and trust than they have hitherto been accustomed to fill. If those measures should be pursued firmly, but with extreme caution, always regarding existing interests and the habits and feelings of the individuals, I confidently look forward to an amelioration of the revenue of India; and I shall be most gratified indeed if, next session, it should be in my power to announce to your Lordships that my anticipation has been confirmed and realized.

Lord Ellenborough's Speech, 19 Feb. 1830.

"Since the granting of the present Charter to the East India Company great alterations have been effected in the regulations that govern the trade between this country and India. Some of those improvements, I believe, are to be attributed to the suggestions of a Committee, appointed on the motion of the Noble Marquis (of Lansdowne); and your Lordships should bear in mind, that, in consequence of these improvements, not a single restriction exists at the present moment upon the commercial intercourse of Great Britain with India, except such as are required, not for the interests of the East India Company, but for those of the revenue of Great Britain. I can assure your Lordships, that since that period the East India Com-

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pany have afforded all the aid in their power to increase the facilities given to the external and internal trade of India.

"The import duties upon British manufactured goods, which were formerly 10 per cent, have been reduced upon woollens and other articles to five per cent. The duties upon cotton goods have been reduced from seven and a half per cent. to two and a half per cent. In the same manner the duties upon exports from India have been removed. The export duty of five per cent upon indigo has been taken off, and the export duty upon cotton has been also removed. I can assure your Lordships, that the attention of the Government of India is directed, with the greatest earnestness, to afford every additional facility to trade in that country; in particular, the attention of the Government has been directed to the transit duties, and the first fruit of an increased revenue consequent upon the intended reductions, will be the removal of all restrictions whatever upon the internal trade of that country. In considering this subject, and reviewing the papers which have been laid upon your table, I feel assured that your Lordships will see that the first and most important question for Parliament to decide is, whether it will be possible to conduct the Government of India without the assistance of this country, directly or indirectly; and the second question is, whether that assistance, if any assistance be necessary, shall be afforded in the manner in which it has been hitherto afforded, or in some other way.

"I am fully confident that your Lordships will consider minutely all the details which relate to it; that you will make yourselves acquainted with it in all its bearings; that you will approach its consideration with unbiassed minds and with deliberate caution; and above all things, I trust that there will be no disposition on the part of your Lordships to sacrifice to the seemingly present advantage of any portion of the population of this country the future interests of England, or the happiness of that people whose interests should be as dear to your Lordships as hers, and whose appeal to your justice and generosity is so strong,—I mean the people of India."

26. Feeling, as I do strongly, that we should disappoint this appeal to the national justice and generosity, if we deprived the people of the benefit which they derive from having European judges well qualified to administer those Regulations which have been enacted for their protection, I cannot concur in the expediency of wholly abolishing the office of European registrar.

27. I agree with the Honourable Court and Sir Thomas Munro in thinking that "a system of training* is as necessary in the judicial as in the revenue line." Ignorance and inexperience in the revenue officers injure the public revenue, and are therefore sooner found out and corrected; but these vices in a judge would deeply affect the lives and properties of the people, and therefore to deprive the whole civil service of the opportunity of acquiring a thorough knowledge of those voluminous Regulations which form the constitution we have established for the just protection of the people, at that season of life when this irksome labour is most easily overcome, would not be consistent with the benevolent and enlightened views upon which our whole system of judicature has been raised. As there are, however, at present many vacancies in the office of registrar, from the disinclination which the junior servants of the establishment have to the low pay and to the laborious duties of the office, I think that the experiment of employing additional sudder ameens may be immediately tried in those districts where there is at present a particular press of business; and as three provincial registrars' offices are now vacant, and out of the 13 zillahs only nine are provided with registrars, there will be, besides the three provincial registrars, four zillah registrarships to abolish, which may be immediately done, and the young men now employed as registrars, of whom some promise to make good judicial officers, will proceed with their training in that department. I recommend, however, that such small increase be made in their pay as the Sudder Adawlut may think will operate as an inducement to them to remain in their situations, and they will thus be hereafter more capable of discharging the important duties of the higher offices.

28. By this arrangement, we shall at once effect a saving in the salaries of three provincial registrars at 700 rupees per mensem each, or - - - *Rs.* 25,200 per ann.

In those of four zillah registrars, at *Rs.* 525 per mensem each	-	25,200
		50,400
From this sum we may deduct, as an increase to the pay of the remaining nine registrars of 200 rupees per mensem each	-	21,600
Which will leave a clear saving of - - - - - -		*Rs.* 28,800 per ann.

29. As a means of entertaining the requisite number of additional sudder ameens, without an increased expense to Government, I recommend that the office of pundit to the provincial court in the Western Division, and to the zillah courts of Canara and Malabar be immediately abolished, as recommended by the judges on that coast, and that the individuals now holding those offices be transferred, either as sudder ameens or district moonsifs, on their present pay, to those districts where there is the greatest press of business. The pundit of the provincial court now receives 210 rupees, and those of the zillah courts 140 rupees each per mensem; their successors in office, as district moonsifs, will only receive the usual

* Minute of Sir Thomas Munro, 30th June 1827: "I therefore entirely agree with the Honourable Court that a system of training is as necessary in the judicial as in the revenue line."

usual salary of 70 rupees per mensem each, which will effect a saving to Government of rupees 3,360 per annum. The recommendations which have induced me to suggest this arrangement, are those offered in the letter * from the provincial court in the western division, dated 11th May 1829, and that contained in the following extract from a report from the judge of circuit, dated 31st August 1829:

"Every practicable saving being strongly inculcated, I venture to submit how far it would be expedient to dispense with the services of the pundits of the provincial and zillah courts of Malabar. Where the general tenure on which land is held in Malabar, the division and inheritance of property and family, the local customs are so widely different from those on the Coromandel coast, the opinions of the pundits are seldom or ever required, and the very few to be found on the records of this court offer a suggestion that in the event of any question arising purely on points of Hindoo law, that it be submitted to the pundits of the Sudder Court, which need occasion but a trifling delay of no material consequence, or that one general pundit for the provinces of Malabar and Canara be retained, say at Tellicherry, to whom all questions from the provincial and zillah courts be submitted. How far this would answer on the other coast I am not competent to pronounce; as moonsiffs the pundits in Malabar are not half so effective as the common district moonsiffs, from being ignorant of tenures, customs, &c. &c. peculiar to the province."

30. It does not appear to me that there is any objection to the immediate abolition of the offices of pundit in all the provincial, and of pundit and moofty in all the zillah courts throughout the country, the incumbents continuing to be employed, on their present pay, either as sudder ameens or district moonsifs, wherever their services may be most required; and their successors entering upon their offices, as district moonsifs, on the usual pay. This will prevent the proposed reform from operating injuriously to the interests and fair claims of the present law officers, who have been educated and trained to their duties at a great expense; and in order to prevent disappointment to those who may have been pursuing their studies in the college with a view to future employment in the provinces, I recommend that they be selected to fill the offices of district moonsifs, as vacancies may hereafter occur. I recommend that the Sudder Adawlut be desired to give the necessary instructions for carrying these arrangements into effect, to make the requisite communication to the College Board, and to prohibit the lower courts from filling up vacancies hereafter in the office of Hindoo and Mahomedan law officer in the zillah courts.

The total saving by the conversion of the offices of the pundits of the provincial and of 13 Hindoo and Mahomedan law officers of the zillah courts into those of district moonsiff will, on the change coming into complete operation, amount to *Rs.* 34,020 per annum †, while the country will continue to have the benefit of the same number of persons actually exercising the judicial office.

31. With regard to the abolition of five out of the 12 provincial judges, if the proposition had been made at an earlier period of the establishment of the judicial system at this presidency I should have doubted its expediency, because the collective deliberations of the members of the provincial courts were then absolutely necessary to ascertain the laws and usages of the natives, and for the just application of the new principles and regulations to the cases which came before them for judgment. But in the time which has elapsed since the first institution of the courts, so many sound precedents have been established, and the judges have acquired and evinced so thorough a knowledge of their duties, that every confidence may be placed in the exercise of their zeal and discretion when employed to act singly under the proposed new system. The reports of the judges of circuit on the late jail deliveries, contain proofs of talent and of patient investigation, with evidence of a desire to correct abuses, and of an unceasing anxiety for the welfare of the people, which reflect great honour upon them; and I recommend that copies of a few of their reports be laid before the Supreme Government, in explanation of the mode in which the system of criminal justice works here, and that the Bengal Government be requested to make a similar communication to us of some of the reports of their judges of circuit for our information. With the favourable opinion which I entertain of the qualifications, zeal and talents of the provincial judges, and of their knowledge of the Regulations, and their duties founded upon them, I think we may now safely give to the provinces a more speedy administration of justice, from the greater number of individual agents acting singly in more circumscribed limits; and this measure, when it comes into full operation, will be attended with that most desirable result to the Company, in the present state of their finances, of reducing the judicial expenses in the amount of 2,54,000 rupees per annum. I recommend therefore that the Sudder Adawlut be desired to take these points, with the observations upon them, into full consideration, and report the result of their deliberations to Government at their earliest convenience.

32. The Zillah Court at Guntoor, was recently established in compliance with the pressing representations of the Sudder Adawlut of the want of a court in that part of the country, and

Proposed Abolition of the Zillah Court at Guntoor.

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* In letter from the Sudder Adawlut, 13th July 1829.

† 4 Provincial pundits, at 210 rupees each per mensem, is - 10,080 per annum.
13 Zillah mooftees, at 175 rupees each - - - - - 27,300
13 Zillah pundits, at 140 rupees each - - - - - 21,840

Rs. 59,220
Deduct 30 talook moonsifs, at 70 rupees each - - - 25,200

Rs. 34,020

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and it appears from the letter of the Committee that "that court's having transacted little business is owing to accidental circumstances." To abolish this court, the want of which was so much felt a short time since, before its functions have come fairly into operation, without at the same time establishing some other means of administering justice to the people, would be contrary to that principle of good government to which the Company are pledged, and which the people have a right to claim from us.

33. I propose, therefore, that instead of the zillah court now established there, a native judge be appointed, and that he be selected from the law officers of the zillah courts, now ordered to be otherwise employed. I likewise recommend that a native judge, to be selected in the same way, be appointed to Verdachellum, where the want of a court has long been severely felt, and of which I received abundant testimony in my late tour, on the earnest petitions of the people that some means of administering justice to them might be established, and that the Sudder Adawlut be requested to submit a list of the most deserving of the Hindoo and Mahomedan law officers for the selection by Government of proper persons to fill these offices; also that the Sudder Adawlut be desired to submit, for the sanction of Government, the necessary arrangements regarding the local jurisdictions and the establishments of servants for these courts.

Discontinuance of the third Judge of the Sudder Adawlut.

34. Upon the whole, I think the addition of the judge appointed by Sir Thomas Munro, to this court, may, after the new system has come fairly into operation, be discontinued upon a vacancy, and that it will be proper to notify the same to the Sudder Adawlut.

Para. 32. Salary of Deputy Registrar, drawn by the Registrar of the Sudder Adawlut, now proposed to be discontinued.

35. The Committee appear to suppose that besides the salary of the junior deputy registrar, which the registrar has been allowed, under peculiar circumstances, to draw, a charge is incurred for "two other deputies independently of the one whose salary he himself draws;" but this is not the state of the case: the fixed establishment consists of a registrar, two deputies, and an assistant, and it is the salary of one of these deputies which has been assigned to the registrar, under the arrangement above referred to, which has been reported to the Honourable the Court of Directors.

36. No addition has thus been made to the fixed expense of the establishment, whilst its efficiency has been greatly promoted.

Para. 32 of the Report. Second Deputy Registrar of the Sudder Adawlut, now proposed to be discontinued.

37. In Bengal it is understood that the registrar of the Sudder Adawlut is placed, in point of salary, on the footing of a judge of circuit; but at this presidency the established allowances of the registrar of the Sudder Adawlut are less than those of a zillah judge, and to this reduced scale the salary of the present registrar will be brought down, if the appointment of second deputy registrar is abolished, as recommended by the Committee; that recommendation, however, appears to have been mainly induced by the supposition (erroneous as it will be perceived to be) that a charge for two other deputies is now incurred.

38. The continuance of any allowance which is not proportioned to the duties for which it is granted and fairly earned, I should deem most unwarrantable; but I foresee in the approaching operation of the reforms which are about to be introduced into the judicial system, a great accession to the labours of the Sudder Adawlut, both on its civil and criminal side.

39. Appeals to the Sudder Adawlut, in civil cases, will naturally be much more numerous when the judgment of the lower court is that of a single individual, instead of a collective body, as at present; and reference to the Foujdaree Adawlut, in criminal cases, will be more frequently made hereafter, when the judge of circuit is deprived of the assistance of the Mahomedan law-officer, which he now enjoys in conducting the trials. The correspondence of the court too, already extensive, will hereafter be carried on with seven individual functionaries, instead of four collective courts, and will necessarily increase the labours of the registrar in a great degree. Notwithstanding these additions to the duties of the Sudder Adawlut, and the consequent demand for increased exertions, the court will, on a vacancy occurring, be deprived of the services of one of its judges, whilst the registrar (who has been twice a judge of circuit as well as twice a collector, and once a member of the Board of Revenue) will find his duties greatly increased, his present allowances seriously curtailed, and his prospect of promotion materially diminished by the abolition of one of the highest offices in the court and in the service, and to which the industry and ability evinced by Mr. Campbell in discharging the duties of registrar give him a fair claim to look.

(Enclosure.)

Proceedings of Madras Court of Sudder Adawlut; 19th Oct. 1830.

EXTRACT from the Proceedings of the Court of Sudder Adawlut at *Madras*, dated the 19th October 1830.

READ letter from the Secretary to Government in the Judicial Department, with extract from the Minutes of Council, under date the 14th ultimo, directing the preparation of draft of a Regulation for giving effect to such of the reforms in the judicial system discussed in the Minute of the Right honourable the President on the Report of the Bengal Finance Committee, as may be considered expedient.

1. Before the Court can proceed to carry fully into execution the orders of Government communicated in the above letter, by submitting the drafts of enactments, to give effect to the changes proposed, it is necessary to lay before the Right Honourable the Governor in Council their sentiments as to the best means of introducing the alterations contemplated in the judicial system. When final orders on the suggestions of this Court shall have been obtained, they will frame the details, and give them due legal form.

2. Subject

2. Subject to the general superintendence of this Court, it is proposed to place the administration of justice in the provinces of the Madras territory, under the control of seven judges of appeal and circuit. The following is the distribution of the subordinate courts which seems best fitted for this purpose.

	Extreme distance in Miles.	Average Number of Criminal Cases in one Year before the Circuit Court.	Population.	Square Miles.
1st. or Masulipatam division:				
1. Zillah Chicacole	261	47	1,293,576	8,642
2. Zillah Rajahmundry		28	716,929	8,216
3. Aux. Court Masulipatam		15	540,397	8,851
		90	2,550,902	25,709
2d. or Cuddapah division:				
4. Zillah Cuddapah	211	61		
5. Aux. Court Cumbum		12	1,038,078	13,337
6. Native Judge Guntoor		22	475,842	2,500
		95	1,513,920	15,837
3d. or Bellary division:				
7. Zillah Chittoor	236	54	909,749	7,526
8. Zillah Bellary		39	927,000	12,576
		93	1,836,749	20,102
4th. or Chingleput division:				
9. Zillah Nellore	225	50	717,923	7,299
10. Zillah Chingleput		43	828,201	8,988
11. Native judge Cuddalore				
		93	1,546,124	16,287
5th. or Combaconum division:				
12. Zillah Combaconum	141	53	1,370,419	8,940
13. Zillah Salem		33	875,201	7,914
		86	2,245,620	16,854
6th. or Coimbatore division:				
14. Aux. Court Coimbatore	230	30	942,503	8,416
15. Zillah Madura		39	683,016	9,772
16. Aux. Court Tinnevelly		20	951,276	4,507
		89	2,576,795	22,695
7th. or Malabar and Canara division:				
17. Zillah Calicut	235	58	637,347	3,780
18. Aux. Court Tellicherry		34	271,812	4,054
19. Zillah Mangalore				
20. Aux. Court Honore		31	657,597	11,260
21. Native judge Soonda				
		123	1,566,756	19,094

3. It has also been suggested that the first six divisions might be thus arranged, the seventh remaining as above, for the reasons hereafter stated:—

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	Extreme distance in Miles.	Average Criminal Cases.	Population.	Square Miles.
1st. or Vizagapatam division:				
Chicacole	182	47	1,293,576	8,642
Rajahmundry		28	716,929	8,216
		75	2,010,505	16,858
2d. or Masulipatam division:				
Masulipatam	177	15	540,397	8,851
Guntoor		22	475,842	2,500
Nellore		50	717,923	7,299
		87	1,734,162	18,650
3d. or Ceded Districts' division:				
Cuddapah	262	61	1,038,078	13,337
Cumbum		12		
Bellary		39	927,728	12,576
		112	1,965,806	25,913
4th. or Chingleput division:				
Chittoor	170	54	909,749	7,526
Chingleput		—	—	—
Cuddalore		43	828,201	8,988
		97	1,737,950	16,514
5th. or Coimbatore division:				
Salem	70	33	875,201	7,914
Coimbatore		30	942,503	8,416
		63	1,817,704	16,330
6th. or Combaconum division:				
Combaconum	210	53	1,370,419	8,940
Madura		39	683,016	9,772
Tinnevelly		20	951,276	4,507
		112	3,004,711	23,219

4. The Court have most maturely weighed various plans for arranging the 21 subordinate courts above-mentioned, under seven judges of appeal and circuit, and the above is the result of the best consideration they are able to give the subject.

5. It would no doubt have been desirable to diminish the extent of the western circuit, but less than six judges of circuit will not suffice for the rest of the peninsula; and independent of the insulated situation of the western coast, separated by jungle and hills from the eastern provinces, particular local circumstances oppose the incorporation of the Calicut zillah, or indeed of any other portion of the western provinces, into any of the southern divisions. The languages of the two coasts are entirely distinct, and the union of any part of the one with the other would necessarily be attended by the great expense of a double establishment. But their junction is opposed by the insuperable objection of the natives of the western coast being a distinct race, governed by laws and customs peculiar to themselves, which a long residence amongst them can alone render familiar, and which can be uniformly administered only through a single authority. It has therefore, after the most deliberate consideration,

consideration, been deemed preferable to leave the western circuit even considerably heavier than the others than to attempt to place the different portions of the same peculiar province under distinct authorities administering opposite and conflicting laws; but should experience prove that arrears of business accumulate in the western division under a single judge arrangements may be made for his relief.

6. Leaving the crimes cognizable by the circuit courts, as they stand at present, it is calculated, on an average of the last three years, that the arrangement proposed will give to the several judges of circuit the following number of criminal cases to be tried annually.

Division.	Cases per First Plan.	Cases per Second Plan.
1st	90	75
2d	95	87
3d	93	112
4th	93	97
5th	86	63
6th	89	112
7th	123	123

7. Although there will no doubt be many difficulties attendant on a change of system, by which the duties hitherto performed by three judges will in a great degree devolve on one, the judges hope that this number of criminal trials will not in any instance be more than a single active judge will be able to complete, particularly under the arrangements to be proposed for the administration of civil justice. The extreme distance between the intermediate stations will, in no case, exceed 262 miles under the second plan; the distances of the several circuits, as well as the distribution of the criminal trials, will be much more unequal than under that first suggested. The second plan has been drawn out principally with the view of keeping the whole of the Ceded Districts within the same division, and to prevent the courts of the assistant and native judges being separated from the zillah courts, to which they have been hitherto attached. But Madura is not much further from Coimbatore than from Salem, and the distance of Guntoor from Cuddapah might be diminished by transferring the station of the native judge to Innaconda, or that of the zillah judge to Cumbum, placing, in that event, the assistant in charge of the zillah jail at Cuddapah and the adjoining talooks. At the same time it is to be considered that it is only in original suits, exceeding 5,000 rupees, now cognizable by the more distant provincial court, and in appeals under 1,000 rupees, that it will be requisite for the parties resident under the jurisdiction of the auxiliary or native courts to resort to the zillah tribunals; a change in which, therefore, seems hardly to be called for.

8. The population under each circuit judge will vary, according to the first plan, from 15 to 25, but according to the second plan, as far as 30 lacs; and the square extent under each from 15 or 16 to 25,000 miles, according to both plans. The divisions have, in each instance, been formed as compact as possible, and all the districts in the same division adjoin each other, except Bellary, under the first plan. The particular situation of Bellary, combined with the necessity of connecting Guntoor with the adjoining provinces of Cuddapah and Cumbum, left no alternative, under that plan, than to connect it with Chittoor.

9. It will be requisite, in the western division, to deliver the prisoners from the unhealthy country of Soonda at the jail at Honore. But by leaving the circuit judge, in every instance, at liberty to fix his own residence at any place within his division, he will be able to select the most centrical station, best calculated to shorten his frequent journeys, and to prove personally convenient to himself as well as to the people.

10. The Right Honourable the Governor in Council under these explanations will, it is hoped, be enabled to determine the arrangement to be finally adopted respecting the distribution of the subordinate courts.

11. The court suggest that there be two jail deliveries in every year, at each of the 21 stations first specified, Soonda alone excepted, and that the new judges of appeal and circuit should at all times possess the same powers over the courts of the criminal, joint criminal, and native criminal judges respectively, as the circuit court collectively now possess, and over the magistracy as the judge on circuit at present possesses. To this it is proposed to add the power to direct the dismissal of heads of talook police, or other police officers, for misconduct in the Police department.

12. Except the collector and magistrate himself, the Board of Revenue is at present the sole authority competent to dismiss a native servant under a collector and magistrate; but they can do so for misconduct in the Revenue department only. Abuses in the Police department seldom come before them, and can at present be punished, by dismissal, by no controlling authority whatever at this presidency. This is an obvious and very great defect. Improved information respecting the police will no doubt be attained, by means of the frequent movement, through a less extent of country, of the new local judges of appeal and circuit; but all benefit from the improved information will be lost, if they have not the power of removing unfit or corrupt servants, which is understood to be vested in the commissioners in Bengal; not only in the Police, but in the Revenue department also. It is not here proposed to vest these officers with any power whatever in the Revenue department, but in the Police department only, to enable them finally to dismiss police servants, for police abuses, subject to the general control of this Court; and there appears no probability of such power

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being used less judiciously, or with less regard for the interests of the public service generally than at present.

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13. Under the proposed abolition of the Mahomedan law, it will be necessary to prepare a Regulation, specifying the punishment to be inflicted for each crime. Where particular punishments have already been attached to certain crimes by the existing code, they can be continued, subject to such modification or improvement as may appear necessary; but as regards the judges of circuit, the Court think it will be necessary to grant them a certain latitude, limiting the minimum and maximum of punishment, and leaving them to determine the exact extent according to the circumstances of each individual case; for example, not less than three nor more than seven years' imprisonment in cases of theft; not less than ten nor more than fourteen years in cases of robbery. This minimum, to which they alone will be limited, being liable to be reduced to any extent by this Court, on a reference by the judge of circuit for mitigation, as already provided in the Regulations.

14. This Court propose that on conviction of any crime involving death, transportation or imprisonment for life, the whole of the trial be referred to them by the circuit judge, as at present, but not all cases of rape, as is now the case, unless they involve one of these punishments; that where the sentence to be passed by the circuit judge exceeds seven years' imprisonment, or where a case occurs in which the application of the law is doubtful, or other sufficient cause renders it necessary to consult this Court, the judge of circuit suspend the sentence, and report the circumstances of the case, for the orders of this Court, in a letter, as provided in clause second, section 3, Regulation I., 1825, without submitting the whole record of the trial. But that in crimes punishable by seven years' imprisonment or under, the sentence of the circuit judge be final, unless this Court should deem it requisite to call for the trial.

15. The Court are of opinion that it would contribute to the administration of justice, and greatly relieve the criminal courts from a duty materially impeding their more important functions, were the committing officers, so soon as they complete the record of a case in which a prisoner is committed for trial before the court of circuit, to transmit the original record to the circuit judge. This would give the circuit judge time, long previously to the trial, to examine the evidence, and to bring to the notice of the lower tribunal any facts which required further elucidation, or any points on which the evidence might be defective, so that further testimony might be sought for previously to the trial. It would also relieve the criminal judges from the preparation of translations, which can be made by the native translators attached to the circuit judge's establishment, framed expressly with a view to this duty; and they can be revised by the assistant proposed hereafter to be attached to each circuit judge.

16. It is not proposed to alter the extent of punishment adjudicable by the criminal judges, but merely to define better the crimes punishable by them, so far as regards those for which a specific punishment has not been declared in the Regulations.

17. Under the increased labour in the civil department, proposed to be thrown on the zillah courts, it is absolutely necessary that great relief should be afforded them in the administration of criminal justice. At the same time, the Court fully concur in the caution inculcated by the Right Honourable the Governor as to the propriety of only a gradual extension of native agency in the administration of justice, but especially of criminal justice, to the people. Where fit natives, however, can be selected, the Court are not inclined to stint the powers to be delegated to them. With these views, the Court suggest that the delegation of criminal jurisdiction be for the present confined to the native judge of Canara, the two new native judges proposed to be stationed in the southern division of Arcot and Guntoor, and the sudder ameens. To all of these the Court propose to delegate the full powers of committal and punishment vested in the criminal courts, but it will be necessary to provide that the sudder ameens should, at least in the first instance, be fixed at the sudder station, and the sentence passed by them not carried into execution, except under the special sanction of the criminal, joint criminal or native criminal judge, under whose charge they may be placed. When this restriction can be removed, they may be eventually detached to different parts of each district, to the great relief of the population in all criminal matters.

18. The Court are not prepared to suggest any plan under which the use of juries, in trials before the native judges, could be made either safe or practicable. The measure indeed appears to them infinitely more difficult and dangerous than the use of juries in trials before the European judges; and the inconvenience to the people, from being constant, instead of occasional during the European circuit, would become intolerable.

19. With respect to the administration of civil justice, all original jurisdiction being transferred from the provincial to the zillah court, as proposed by the Finance Committee, the judge of appeal will be confined to his proper duty of deciding in appeal only. The jurisdiction of the assistant and native judges it is proposed to limit to its present standard, viz. 5,000 rupees.

20. As the duties of the zillah courts will be much increased by the transfer to them of all original suits exceeding 5,000 rupees from the provincial courts, and as they will at the same time be weakened by the abolition of the registrar's jurisdiction, hereafter suggested, it is proposed to relieve them, by raising the jurisdiction of the sudder ameens to 3,000 rupees, and

and by fixing that of the district moonsiffs at 1,000 rupees, which last sum was proposed in this Court's proceedings of the 30th of June last.

21. The Right Honourable the Governor in Council will have perceived that it is not intended, for the present at least, to confer any criminal jurisdiction on the district moonsiffs. Even if their number be somewhat increased, as proposed by this Court, under date the 30th June last, the doubling the extent of their civil jurisdiction will greatly augment their labour in that department, especially as it lies in that particular class of suits, which is by far the most numerous. Their exertions in this department have already been highly beneficial to the public; and as it is by their means chiefly that it is proposed to relieve the zillah courts, so as to enable them to undertake the new duties to be transferred to them from the provincial courts, it is considered objectionable at present to impose on them any criminal duties. (21.) Proceedings of Madras Court of Sudder Adawlut; 19th Oct. 1830.

22. Under the arrangements thus proposed, a material modification of the existing rules respecting appeals in civil suits will become requisite. The new judges of appeal will not be stationary, but liable to move about the country on their criminal circuit, or other duties of local superintendence; it is therefore necessary that all appeals to them, and all pleadings on such appeals, should be filed before the zillah courts, and thence be forwarded to the judges of appeal for their orders, so as not to encumber them with the attendance of vakeels, or other fixed establishments now attached to their present courts, and to enable them to pass judgment at once, on the record, as transmitted to them by the lower court.

23. It also seems desirable, on general grounds, when every judicial body under the Madras presidency, except this court, will be reduced to a single individual, destitute of those advantages which undoubtedly attend joint consultation with others, that a wider opening should be given to the admission of special appeals. The Court think that the zillah, appeal and sudder courts, should be authorized to admit them in every case in which it may be shown to their satisfaction that the revision of the decree in appeal is "requisite for the ends of justice." They would also suggest, that the decree of a judge of appeal, reversing the decision of a lower court of original jurisdiction, shall be open as a matter of right to appeal to the Sudder Adawlut; but that his decree confirming that of the lower court be final, unless a special appeal be admitted by this court.

24. This Court entirely concur in the sentiments recorded by the Right Honourable the Governor as to the necessity of a system for training young men in the judicial as well as in other branches of the public service, and as to the propriety of fixing their allowances on a scale sufficiently liberal to induce them to remain in the Judicial department. But they think that this may be done with greater benefit to the individuals, as well as to the public, by other means than by entrusting persons so young and inexperienced as zillah registrars are in general, with the decision of important law-suits, or extensive criminal powers, against which the Finance Committee have argued.

25. The Court conceive that, instead of calling upon a young man entering the judicial line to decide on cases on his own inexperienced judgment, it would be preferable to give him a general insight into each of the various branches of the Judicial department, and to place his experience under the guidance of a superior of long standing in the judicial line. For this purpose, instead of zillah registrars, they would propose to attach an assistant to each of the seven judges of appeal and circuit, whose duty it should be, under the orders of that judge, to revise the periodical returns of criminal and civil cases received from the lower courts before they are forwarded to this Court; to draft orders thereon for the judge's approval; to be deputed by him on local investigations into the conduct of the district moonsiffs or officers of police; to revise the translation of, and abstract the record of cases coming before him for decision; to correct the translations of the criminal trials referred by him to this court; and to aid him generally in the conduct of his office. Such duties will oblige a young judicial officer to make himself master of all the details of the Regulations affecting the lower tribunals, and thus instruct him the better how to control them hereafter; they will give him practical experience in the native languages, and will fix in his mind, when most open to impression, many useful lessons respecting the treatment of the natives, and the peculiarities of native testimony, well calculated to qualify him for the administration of justice to the people, when raised to the bench. The arrangement will also transfer European talent, now wasted in details, to its proper department of superintendence, and give the vigour of youth, tempered by the decision of experience and age, to that improved control over the district moonsiffs and native officers of police, the want of which is the most obvious defect in the existing system.

26. Having thus given a brief outline of the arrangements proposed by this Court, they subjoin a Statement, showing the expense, and the eventual saving attending them, compared with that estimated by the Bengal Finance Committee.

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Reductions in the Judicial Department.

Estimated by the Finance Committee.			Estimated by this Court.		
	Rs.	*Rs.*		*Rs.*	*Rs.*
Sudder, discontinuance of third judge - - -		49,000	- - - - - - - -		49,000
			1 Sudder mooftee - -		4,200
12 Provincial judges -	4,62,000		12 Provincial judges - -	4,62,000	
4 Provincial registrars	33,600		4 — registrars -	33,600	
Mahomedan law officers - - -	38,616		4 — cazees - -	15,960	
			4 — mooftees -	12,600	
	5,34,216		4 — pundits - -	10,080	
				38,640	
				5,34,240	
7 Provincial judges -	2,80,000		7 Provincial judges - -	2,80,000	
		2,54,216	- - - - - - - -		2,54,240
Abolition of the Guntoor zillah - -	- -	63,049	- - - - - - - -	- - -	63,049
12 Zillah registrars -	75,600		12 Zillah registrars - -	75,600	
Increase in the number and pay of the sudder ameens -	48,240		7 Assistants to circuit judges, at 800 rupees each - -	67,200	
				8,400	
			Fees paid to district moonsiffs by Government, in addition to their pay - - -	64,000	
			12 Zillah mooftees - -	24,570	
			12 Zillah Pundits - -	20,160	
				1,17,130	
			Rs.		
			2 Native judges and their courts, at 1,000 rupees per mensem	24,000	
			36 Sudder ameens, at 150 rupees per mensem - - -	64,800	
				88,800	
		27,360			28,330
	Rs.	3,93,625			3,98,819
			Native establishments of four provincial courts - -	64,596	
			Native establishments of seven provincial judges -	64,680	
			As per Account, No. 1 -		84
					3,98,735
					3,93,625
				More by *Rs.*	5,110

27. The Finance Committee in Bengal appear to have calculated that the reduction of the 12 zillah registrarships would have been attended by an immediate saving of rupees 75,600 per annum, which they accordingly appropriate to the support of new sudder ameens on increased salaries. But there are still one provincial * and nine zillah † registrars employed at this presidency, who would, in this event, have been thrown out of employ at once, and could not generally have been reduced below their college allowances. The out-of-employ salaries of these ten gentlemen would therefore have cost the Government about rupees 42,000 per annum, and the saving, to this extent at least, could have been gradual only.

28. The plan suggested by this Court, on the other hand, will enable the Right Honourable the Governor in Council to employ seven of these ten as assistants to the judges of appeal and circuit, leaving only three unprovided for, as an extra expense to the Government; but it is submitted that, until otherwise employed (as two of them now are), they should receive the established allowance of registrars.

29. With regard to the seven registrars to be selected for the situation of assistants to the judges of appeal and circuit, the Court do not think that their continuance in the Judicial department can be ensured on a less allowance than rupees 800 per mensem, as entered in the foregoing Estimate; and, considering that they will be subject to move constantly about the country, it is submitted that the tent allowance of an assistant collector might with propriety be added to this salary, without exceeding the just bounds of economy.

30. In addition to their monthly salary of rupees 70, each district moonsiff is allowed a fee of *one* anna on all suits decided on their merits, or adjusted by razeenamah, which is only partially covered by the levy of half an anna on all suits filed before them, the difference being paid by Government, under Regulation II., 1828, as resolved in the Minutes of Council of the 30th January 1827, in which it was thought that the difference would be amply covered by the "institution fees carried to the account of Government on suits dismissed for default."

31. Great doubt having been entertained whether this were actually the case, this Court recently called for statements to exhibit the result. The accounts for the second quarter of the present year have not yet been received from the northern division, and are therefore incomplete; but taking the sum payable by Government, in the northern division only, for the second quarter of the present year, at the same amount as in the previous quarter, the actual charge to Government, beyond the receipts for district moonsiffs, in addition to their fixed pay, will amount to the large sum of rupees 64,000 per annum, which, as it is blended with other items in the accounts of the zillah courts, has not until now been brought to public notice.

32. The disproportion of suits dismissed to those decreed, and the excessive ratio which suits amicably adjusted by razeenamah, bear to those decided by decrees before the district moonsiffs, particularly in the Ceded Districts, have long attracted notice, and induced the issue of repeated orders by this Court, who have frequently directed the lower courts to call for and examine the records in some of these suits. There are grounds to apprehend that many of those withdrawn, or settled by razeenamah, are mere fictitious suits, on which half an anna in the rupee is lodged, merely to enable the party or parties to divide with the district moonsiff the other half anna, which he is to receive from Government out of this annual charge of rupees 64,000. As an example, the Court take the following from the returns of the vailpaud moonsiff in Cuddapah, for the second quarter of this year:—

	Number of Suits.	Value of Property claimed.	FEES.
		Rs.	*Rs.*
Dismissed - - - - - -	140	1,221	No Fees.
Decreed - - - - - - -	73	2,582	161
Razeenamahs - - - - - -	248	6,353	395
		Total Fees -	3)556
		Per Mensem -	185

33. Here is a moonsiff who dismissed double the number of the suits he decrees, but the property claimed under the suits dismissed is not of half the value of that claimed under the suits decreed, notwithstanding they are doubly numerous; he receives 70 rupees pay, but 185 rupees fees, making a total of rupees 255 per mensem, and passes only 73 decrees, but

* Mr. C. Bushby.

† Mr. Stromboin, Mr. Paternoster, Mr. Morehead, Mr. Bruere, Mr. West, Mr. Thomas, Mr. Lockhart, Mr. Strange, Mr. Sparkes.

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but settles nearly four times that number of suits, or 248 by razeenamah; his fees from decrees are only rupees 161, from razeenamahs no less than 395. Now, to insure the receipt of this last sum, of which nearly half, or 197 rupees, comes out of the public treasury, it is only necessary to advance the other half to enter a fictitious plaint and razeenamah, and at the close of the month, the sum returns doubled into the hands of the district moonsiff.

34. The Court will not take upon themselves to declare that such frauds are systematically pursued in general; but there is strong reason to suspect their prevalence, and their very practicability is sufficient to induce a reconsideration of the payment by Government, whence they originate; for if the fees were paid entirely by the suitors, there could be no inducement to such frands. The amount realized from the parties would go to the moonsiffs; and it never would be the interest of —— to unite plaintiffs and defendants with the moonsiff in preying on the public purse.

35. The new arrangements will, it is hoped, greatly aid in verifying the returns of the district moonsiffs, which, in addition to the control of the zillah judge, can be examined occasionally during the progress of the circuit judge through the country, either by himself or his assistant; but as the moonsiff's fees will still depend on the entry of a suit as decreed, instead of dismissed, it will require every exertion of the local authorities to check such abuses, not only calculated to corrupt the moral character of this important branch of native agency, but to vitiate the very returns on which a judgment of their efficiency depends. To guard, however, against the temptation to fraud, to which the payment by Government of one half of the fees of district moonsiffs is obviously calculated to give rise, the Court recommend that it be discontinued altogether. When sanctioned originally, it was not contemplated that it would eventually involve any charge on the Government, though it is attended by an increased disbursement of no less than rupees 64,000 per annum. Its discontinuance therefore will prove a clear saving to this extent, and, as such, it is assumed in the foregoing estimate to cover the increase now proposed in native judicial agency.

1825—51,375.
1826—50,303.
1827—49,572.
1828—62,516.
1829—69,456.

36. It is true that the returns show the number of suits instituted before the district moonsiffs to have greatly increased since the institution fee was reduced one half in April 1828; but, as before explained, the Court consider that measure to have had a direct tendency to vitiate and exaggerate these very returns, which are not therefore to be depended on.

37. So long as suits under 10 rupees are cognizable by the village moonsiffs free of fees altogether, yet continue to be brought before the district moonsiffs, where they are subjected to fees, the court are satisfied that the levy of the full anna in the rupee on suits instituted before the district moonsiffs never will be felt by any suitor. The court, indeed, are decidedly of opinion that the re-imposition of the tax is advisable, and that accordingly the district moonsiffs need not suffer personally from the discontinuance of the fees paid by Government, but may be ensured their present liberal allowances, by the re-imposition of the former fees. In order, however, to proportion the amount of fees received to the labour actually performed more correctly than at present, it seems requisite that on suits settled by razeenamah, no fees should be granted to the native functionaries unless the pleadings have been completed; because if, before this period, an amicable adjustment takes place, the settlement can hardly have been promoted by them. At the same time, to prevent this discouraging the mutual adjustment of suits, it might be provided, as in section 11, Regulation XIII., 1810, of the Bengal code, that the institution fee be returned to the party on all suits settled by razeenamah before the pleadings are completed.

38. The stamp institution fee on the superior suits now proposed to be made cognizable by the district moonsiffs and sudder ameens, varies from *one* to about *half* an anna in the rupee, being at one uniform rate of rupees 32, or 512 annas, on suits from 500 to 800 rupees; one uniform rate of rupees 50, or annas 800, on suits from 800 to 1,600 rupees; and one uniform rate of 100 rupees, or 1,600 annas, on suits from 1,600 to 3,000 rupees. In the event of increasing the amount of the suits cognizable by district moonsiffs to 1,000 rupees, it will be requisite either to grant to them the existing institution fee on suits from 500 to 1,000 rupees, as now given to the sudder ameens, or to assimilate the fees to be paid on such suits to those now paid on the lower suits, of which they have already cognizance.

39. In the foregoing estimate the court have entered the expense of the two native judges' courts to be established in the southern division of Arcot and Guntoor, at rupees 1,000 per mensem each, to cover all contingencies for office-rent, &c. But in addition to the salary of rupees 500 per mensem to be granted to each, they propose to attach to them respectively the same establishment as has been sanctioned for the native judge of Canara, being rupees 383 per mensem, making a total monthly charge of rupees 883 per mensem for each, being rupees 117 below the estimate. A list of the proposed establishment is annexed to these proceedings.

40. For the situation of native judge at Guntoor and in the southern division of Arcot, the Court resolve to submit to Government the names of the following law officers, as well qualified for those situations.

1st. Sewarama Sastra, first pundit in Sudder Adawlut.
2d. Iyah Sastry, second ditto, ditto.
3d. Zeekee-oo-deen-Mahomed Khan, cazee of the provincial court Trichinopoly.
4th. Fuzboollah Khan, mooftee of ditto, ditto.

41. The Court submit that it is desirable to select one Hindoo and one Mussulman for the proposed appointments.

42. With respect to the sudder ameens, the Court do not think that they can ever be gradually

gradually reduced, as proposed, to the situation and pay of district moonsiffs. It has already been fully explained in the letter to Government from the registrar of this court, under date the 13th July 1829, and in this Court's subsequent proceedings of the 30th June last, that it is necessary to employ a superior class of natives, capable of exercising an appellate jurisdiction over the district moonsiffs, from whose decrees the appeals are either too numerous, or not sufficiently important, to be decided by Europeans. It was also pointed out that the regular education of this superior branch of judicial agency in the native laws of the country, not only peculiarly qualified them for this duty, but insensibly exercised a wholesome and material control over the decisions of the district moonsiffs themselves, who feel that each of their decrees is liable to be revised by a well educated native skilled in the law; and this Court dwelt on the high political importance of requiring this standard of qualification from the sudder ameens, as the best means of evincing the sincerity of Government in maintaining inviolate the solemn pledge to insure to the natives of India the enjoyment of their laws and religious usages which was given to the people in the fundamental enactments of the Madras code.

(21.) Proceedings of Madras Court of Sudder Adawlut; 19th Oct. 1830.

43. Provided that this most important qualification for the office of sudder ameen is strictly maintained, and none can be promoted to that office but such as obtain a certificate as law officer from the college, the Court are of opinion that the Cazee-ool-Coozat, and one mooftee relieved from the duty of giving futwas, by the abolition of the Mahomedan criminal law, with two pundits in this court, will suffice for expounding the native law in all cases whatever arising in the various courts under this presidency, superior to that of sudder ameen. The situation of the second mooftee in this court may be abolished on a vacancy, or on his removal as a sudder ameen.

44. The remaining law officers in the provinces will amount to 38*. Of these two will either be promoted to the office of native judge in the southern division of Arcot and Guntoor respectively, or will succeed to the vacancies caused in the establishment of this court by these offices being filled from it; and the remaining 36 it is proposed to employ as sudder ameens, on a salary of rupees 150 per mensem, as entered in the foregoing estimate, with the addition of fees on the civil suits they may decide, to be raised from their present limit of rupees 750 to rupees 3,000, as before suggested.

45. The proposed fixed salary will augment that of the zillah pundits 10 rupees, but it will diminish that of nine amongst the zillah cazees, to the extent of rupees 7 ½, and that of three of them to the extent of 60 rupees; that of the four provincial mooftees to the extent of 112 ½ rupees, and that of the provincial cazees and sudder mooftee to the extent of 200 rupees per mensem. But when it is considered that two of the provincial court cazees (very old men from Bengal) have recently applied for superannuation pensions, that two of the other highest paid law officers may be selected for the situation of native judge, and that the fees on civil suits of an augmented value, to be decided by the sudder ameens, cannot fail to be considerable, there does not appear to be any ground to fear that the aggregate allowance proposed for these officers, as sudder ameens, will fall below those hitherto received by them as law officers. If in any case it should, it is submitted that the present incumbents be allowed to draw the difference, as an extra personal allowance continued to them alone.

46. Under this arrangement the class of law students at the college might be gradually reduced to five persons; and those who are qualified there might hereafter be selected to fill vacancies in the office of sudder ameen.

47. The Court have drawn out the annexed list of the native establishment to be attached to the seven new judges of appeal and circuit, which exceeds that of the present four provincial courts to be reduced, by the small sum of rupees 84 per annum, as shown in the foregoing estimate. But notwithstanding the retention of seven of the registrars as assistants to the judges of circuit, on the augmented allowances proposed, and the addition of two new native judges as directed by Government, the net reduction under the arrangements submitted by this Court, will, as shown in the foregoing estimate, eventually exceed the estimate of the Bengal Committee by rupees 5,110 per annum.

48. To the foregoing review of the changes contemplated, and statement of the saving estimated as eventually to result from them, the Court are bound to add the expression of their apprehension, that the reforms proposed will, as foreseen by Government, vastly increase the labours and correspondence of this Court. The reduction of the former zillah into auxiliary and native courts, which has already partially been carried into effect, is a mere change of name in the local agency, and a diminution of expenditure for the administration of justice. It can neither reduce the number of crimes nor of law suits in the provinces; and the same quantity of business remains to be done, by an agency less competent and more corrupt than that formerly employed. Instead of relieving the superintending authority at the presidency, as seems to have been imagined by the Finance Committee in Bengal, this alteration in the local agency, from the increased errors of its greater inexperience, and its greater liability to local

* 12 in the four provincial courts.
24 in the twelve zillah courts.
2 in Guntoor.
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local influence, partiality and abuse, will considerably augment the duties of this Court. These changes are now proposed to be carried still further, and native agency is about to be substituted for much of the most important remaining European authority hitherto devoted for the last 30 years, to the local administration of justice.

49. Under such circumstances it is evidently of the highest importanee to the due administration of justice to the people, to strengthen rather than diminish the superintending court, on the efficiency of whose control the success of these reforms essentially depends. The Court remark that it is not contemplated to withdraw from them the aid of a third judge, until a vacancy occurs " after the system has come fairly into operation." But overwhelmed as they expect to be by the vast accession of appeals and increased correspondence respecting criminal trials and other miscellaneous matter likely to accrue from these new arrangements, they take this occasion to suggest such a change in the authority of the judges composing the court, as appears most likely to facilitate the administration of justice, under the difficulties to be foreseen, for which it seems only prudent beforehand to provide.

Bengal Regulations, VIII. 1808; XIII. 1810; XII. 1825.

50. The Court accordingly submit, that, as in Bengal, any single judge of the Sudder and Foujdarry Adawlut be competent to hold a court to pass orders, decrees and sentences, and to exercise all the powers now vested in two or more judges of these courts respectively, subject to the following restrictions:

Bengal Regulation, XII. 1825, sec. 8.

First.—That in criminal trials, involving a sentence of death, no sentence shall be passed except by two concurring judges.

Bengal Regulation, XIII. 1810, cl. 3d, sec. 8.

Secondly.—That no single judge be competent to reverse or alter any order, decision, decree or sentence previously passed by one or more judges of the same court.

Bengal Regulations, VIII. 1808, sec. 6; XIII. 1810, sec. 6, clause 3d.

Thirdly.—That a single judge sitting alone, when of opinion that the decision, order or decree of any lower civil court, brought before the Sudder Adawlut, should be reversed or altered, or when he does not concur with the judge of circuit as to the conviction of a prisoner, in a trial of which the record may be submitted to the Foujdarry Adawlut, or in the opinion submitted by the judge of circuit, on any other criminal trial, respecting which a reference may be made by letter or otherwise, to that court, do not pass any decision until one or more of the other judges can sit on the question.

51. Drafts of Regulations founded on the above suggestions are under preparation, and will be submitted to Government so soon as the orders of the Right Honourable the Governor in Council on these proceedings may be communicated to this Court.

Ordered accordingly that extracts from the proceeding be submitted for the orders of the Right Honourable the Governor in Council, through the secretary to Government in the Judicial department.

Estimated Expense of the Establishment proposed for the Judge of Appeal and Circuit.

	Rupees per Mensem.
1 Sheristadar	130
1 Head writer	105
2 Writers (each 20 pagodas a month)	140
2 Native writers (each 10 pagodas a month)	70
2 Translators (each 100 rupees a month)	200
12 Peons	84
1 Chobdar	10½
1 Duffadar	10½
1 Moochee	10½
1 Masaljee	5½
1 Sweeper	4
Total per month - - *Rs.*	770
	7
	5,390
	12
	64,680

Court Establishment for the Native Judges.

		Rs.	a.	p.
1	Sheristadar	35	–	–
1	Record keeper	25	–	–
5	Ghomastahs	54	–	–
1	Moonshee	28	–	–
2	Administrators of oaths	14	–	–
4	Delayets	20	–	–
1	Duffadar	16	–	–
10	Peons	41	–	–
1	Shroff	10	–	–
1	Masalzee	4	–	–
1	Persian inkmaker	3	8	–
1	Sweeper	3	8	–
1	Government vakeel	8	–	–
1	Nazir	21	–	–
31	in number.			

Jail Establishment.

1	Jailor	12	–	–
1	Native doctor	8	–	–
2	Duffadars	10	–	–
20	Peons	80	–	–
	Rs.	393	–	–

The Right Honourable the Governor in Council approves of the arrangement of the circuits, as suggested in the second paragraph of the proceedings of the Sudder and Foujdarry Adawlut, above recorded. Resolution thereon.

The Right Right Honourable the Governor in Council approves and resolves to adopt the several suggestions submitted in the paragraphs of the Court's proceedings which are noted in the margin, but desires that it may be provided that whenever a new judge of circuit shall consider the dismissal of a head of talook police, or other native police officer to be necessary, he shall make known the same to the magistrate in the first instance, and communicate the grounds of his opinion to that officer, who will then be required to give immediate effect, in his own name, to the course of proceedings pointed out by the judge of circuit. 11, 13, 14, 15, 16, 17, 19, 20, 22, 23, 25, 28, 29, 35, 37, 39, 43, 44, 45, 46, & 50.

The amount of suits cognizable by district moonsiffs being raised to 1,000 rupees, the Sudder Adawlut will be pleased to introduce into the new Regulations either of the provisions referred to at the conclusion of the 38th paragraph of their proceedings as they may deem most expedient.

The Right Honourable the Governor in Council is pleased to resolve that Severamsastry and Yakee-oo-deen-Mahomed Khan shall be appointed native judges at Guntoor and in the southern division of Arcot respectively.

The establishments proposed for the new judges of appeal and circuit, and for the courts of the native judges, are sanctioned, as detailed in the lists which accompanied the Court's proceedings.

The Sudder and Foujdarry Adawlut, will be pleased to prepare and submit with all practicable expedition drafts of such Regulations as may be necessary to give effect to the arrangement now sanctioned, and of any circular orders which may require to be addressed to the courts in the provinces; for their information and guidance on the occasion of the commencement of the new system.

(Enclosure.)

LETTER from the Secretary to the *Madras* Government to the Judges of the Sudder and Foujdarry Adawlut at *Madras*; dated 2d November 1830. Letter from Madras Government to Judges of Sudder Foujdarry Adawlut; 2d Nov. 1830.

Sir,

I AM directed by the Right Honourable the Governor in Council, to acknowledge the receipt of your registrar's letter of the 19th ult., and to transmit for your information and guidance, the accompanying extract from the minutes of consultation under this date.

I have, &c.

(signed) *H. Chamier*,
Secretary to Government.

III.

Calcutta Civil Finance Committee.

(22.)—Extract LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 12th July 1830.

1. It only remains for us to state, as briefly as the subject will permit, the amount of the reduction which the Honourable Court's orders render it necessary to make, and the mode by which the object may in our judgment be best accomplished. On one point we would premise a few words. It will be seen hereafter that in the Judicial and Revenue branches, the arrangements we propose are founded mainly on the principle of substituting native for European agency in the courts of primary jurisdiction, and in the conduct of details. The expediency of acting upon this principle, we are happy to believe, is now generally admitted; and experience having shown that in no other way can the charges of the administraton be kept within moderate bounds, a regard for economy would alone suggest the policy of gradually raising the functions and enlarging the emoluments of our native fellow subjects, even if there were no higher considerations to induce the adoption of the measure. But as, on the one hand, we do not expect that all the arrangements we shall now venture to suggest can be immediately effected, so, on the other, we would by no means be understood to rest upon those arrangements, as if they carried the above principle to its fullest possible extent. All authorities at Fort St. George are, we understand, united in opinion that an entire success has followed the plan of giving enlarged powers and better pay to the district moonsiffs; and although, in the permanently settled districts of Bengal, where unfortunately nothing is settled and little is known but the government assessment, peculiar difficulties may present themselves, we see no reason to think that the same consequences will not follow from the same measure: nor can we doubt that at all the presidencies the above-mentioned principle may, at no distant period, be much more extensively applied.

28. But after all, until we have secured a clear surplus applicable to the payment of debt, the main question must always be, what of the existing establishments can be spared with the least inconvenience.

29. Proceeding on this principle, and adopting the summary mode of revision with which we have resolved to commence, it seems to us that the following savings might be made with little or no sacrifice of efficiency.

30. In several establishments, additions have been made which are individually of little moment, yet which tell importantly in the aggregate. In regard to these, it is impossible for us now to enter on a detailed exposition; but in the present condition of the finances, it is reasonable to expect that the heads of offices will, in many cases, find it quite practicable to do with the same establishment, or at least with an establishment of the same expense, as that which sufficed in 1823; a discretion being given to them, to distribute the amount allowed as they may judge best, subject only to such restrictions as we proposed in the case of copyists, viz. that there should be an average and a maximum of pay not to be exceeded; and we would respectfully submit to your Lordship, that it would have an excellent effect if you were pleased to instruct your private secretary to revise his own establishment on this principle.

Political Residencies and Agencies.

32. In entering upon the consideration of this branch of the civil establishments, we are abundantly sensible of the peculiar reserve with which it behoves us to declare our sentiments. But it is not the less necessary to submit what has occurred to us; and it must be superfluous to add to the bulk of this report by any lengthened explanation of the grounds of our opinions, or by any studied disavowal of dogmatism in maintaining them.

33. Supposing that we are not to exercise a minute interference with the internal administration of foreign States, we should imagine that the residents at Hydrabad, Gwalior and Nagpore, might do with one assistant.

34. At Lucknow, where the necessity of interfering is perhaps most urgent, and the right to interfere is clearest, the resident has no more than one assistant.

35. If this principle be adopted, there will result the following saving:

Gwalior, 2d Assistant	*Rs.*	600
Nagpore ditto		600
Military Assistant		478
Hydrabad, 2d Assistant		574
—— extra ditto		383
		2,635
		12
Per Annum	*S. Rs.*	31,620

36. At Indore, the resident being also opium agent, and having, we believe, a great many people to deal with, will require more assistance; but he might, we should think, do with two, and spare the third and extra assistants. Hence a further saving of *Rs.* 10,033.

37. The assistants at Delhi being available for general purposes in all the adjoining districts, any decision regarding them will better be taken when the establishment of covenanted officers is generally revised.

38. But of the political agents under Delhi, we should doubt whether that at Jyepore should be maintained, unless the Government of that State be desirous of having the advice

of

of a British officer, and be willing to pay for it, as the Bhurtpore State now does for the agent with it. We might thus effect a saving of *Rs.* 45,443.

39. We are also disposed to think that the political agent at Loodiana might be spared: one agent ought apparently to suffice for all purposes connected with the country to the north-west of the Delhi territory, on this side the Sutleej, as well as for the adjustment of any questions arising between us and Runjeet Sing that would not better be immediately taken up by the resident at Delhi. It is remarked indeed, by the Court of Directors*, that this chieftain, with whom we have no resident, is the one with whom matters stand on the most satisfactory footing.

(22.) Letter from Committee on Civil Establishments, Bengal; 12 July 1830.

* Despatch 29 Feb. 1829, para. 10.

40. From the discontinuance of the Loodiana office, a saving would result of *Rs.* 12,898.

41. Further, it appears to be questionable whether the advantages of having separate agents at Ooduipore and Sirowee are commensurate with the expense, *Rs.* 70,506; and with this impression, we submit to your Lordship in Council the expediency of discontinuing those offices.

42. Under the Malwa residency, your Lordship has already abolished the agencies of Kanthul and Baugeer, and that of Bopawur; and if the principle of consolidation and retrenchment could be carried further with advantage, we presume it would have been done. In such cases it is not easy to say what officers must be employed, until the question of interference or non-interference be definitively settled. But it has doubtless already occurred to your Lordship in Council, that the mere fact that the agents are busy is no proof that they are wanted; had we one with every petty chief, or in every village, they would probably find or make business. The expediency of retaining the detached pergunnahs that are under the agent of Nimar, seems to be particularly deserving of inquiry; and also, whether the duties of that officer, with or without the revenue management of those pergunnahs, might not be undertaken by the authorities in Candeish.

43. We have already in a separate letter submitted to Government the question, how far it is necessary or expedient to maintain the irregular troops employed in that part of India at the charge of the British Government.

44. Of the provincial battalions, three have already been disbanded; the resolution to disband another has been taken; and the expediency of maintaining the others will be separately considered with reference to the military force which they have been, partly at least, intended to supersede. In the mean time, we venture to assume it as certain, that the charge will, at least, be brought down to the standard of 1823, and this with a full provision for any burkundazes that may be hired to replace the provincials. Hence a saving of *Rs.* 6,14,226, according to the auditor's book, and of *Rs.* 5,36,071, according to the receipts and disbursements of 1827-28.

52. The increase in the establishments for administering justice in the interior of the country, arises, it will be perceived, chiefly from the appointment of an additional judge of circuit, the establishment of a zillah court, at Futtehpore, and the creation of various magistracies formerly combined with the office of civil judge; much too of the increase which has been made in the Revenue department would appear to have been suggested with a view to objects properly belonging to the Judicial department; and it appears to us clear that the revenue establishments may be made most importantly to subserve to purposes of police. Indeed, in this country, the two departments can scarcely be considered apart; and we shall now proceed to revise the establishments of both jointly. Considerable as the increase has been, both in the judicial and revenue establishments, it seems to us certain that without some change of system the former will be still further enlarged. From all quarters there is a cry that arrears of business are accumulating, and that justice is denied or delayed. Accordingly, though insolvency be staring us in the face, yet within these few weeks a magistrate has been appointed to Juanpore; and the collectorship of Beerbhoom, which, looking only to revenue purposes, we should certainly have proposed to abolish, has had the magistracy united to it. We have little doubt, indeed, that if the existing system be maintained, Government will soon be under the necessity of appointing a separate magistrate to every district of the provinces of Bengal, Behar, Orissa and Benares, and that the civil courts will yet fail to satisfy the just claims of the people for prompt and efficient administration of justice. Assuming then that a change must be made, and that the principles of such change shall be the substitution as far as safely practicable of native for European agency; there will remain the question, how that principle is best to be applied. On grounds which we have briefly stated in our report relative to the establishment of Fort St. George, and on which, as they appear to be now generally admitted, we need not enlarge, it seems to us that the first step should be to enlarge the powers of the native judges: ultimately, we are of opinion, the primary jurisdiction in all civil cases ought to be confided to them; the main business of the European judges being to see that there is no failure of justice through their neglect or corruption, and their interference in individual cases, whether by appeal or otherwise, being limited to what is requisite for this purpose. In the criminal department, also, we have no doubt that the native judges might be extensively employed with general advantage; the European officer seeing in all serious cases that the orders passed had nothing unjust and improper on the face of them, before they were carried into execution: and both in that department, and in the police, the quantity of business might, we conceive, be very considerably abridged, and the cause of the people promoted, if the wishes of the community were more consulted in regard to the discovery and punishment of minor offences. Pursuing these principles, we are persuaded that the efficient administration of civil and criminal justice might be fully provided for, not only without any increase, but with some diminution in the number of European district judges, and that the intervention of an appellate court between those judges and the Sudder Court might be wholly

Judicial Department.

Appendix (20.)

III.
Calcutta Civil Finance Committee.

dispensed with; ultimately, indeed, it may not be too much to expect that one European court will suffice for several districts, but the change must of course be effected gradually.

53. It appears to us to be very desirable to separate, as far as possible, the magisterial and judicial functions; the principle, therefore, of the arrangements which have already with this view been adopted more or less extensively, at all the presidencies, has our full concurrence; and we presume, that wherever the office of district judge is separated from that of magistrate, the expediency of relieving the latter from much of the duty which magistrates in Bengal are now required to perform as criminal judges, will be recognised.

54. It remains to consider whether the office of magistrate shall be generally united with that of collector; or whether, keeping them distinct, we shall endeavour to diminish and prevent the increase of the public charges, by reducing the number and pay of the officers employed.

55. Now, as far as the magistrates are concerned, looking to the extent and reputed population of the several districts, we see no reason to think that any of the existing offices could be expediently abolished without providing another similarly superintended by an European functionary. For anxious as we are to see natives employed in offices of importance and liberal emolument, it would not, we conceive, be prudent, for the present at least, to place them in situations to which there belongs any large discretionary authority; and the magisterial functions must therefore, we think, be for the most part confined to European officers, so long as our scheme of civil administration partakes so largely as it now does, of the spirit of a despotic and military government.

56. In the districts in which the government revenue is not yet fixed in perpetuity, the same considerations would prevent us from suggesting any considerable reduction in the number of collectors; since in such districts much must be left to the discretion of those officers, and that discretion can be properly exercised only by one possessing minute local knowledge.

57. In the Lower Provinces, indeed, as far as the mere matter of collection is concerned, a native tehsildar might, we think, in many districts take the place of the European officer; and when the judicial establishment shall be strengthened and reformed, by enlarging the powers of the native courts, and duly regulating those of the European judges, it will not, we conceive, be necessary to continue to collectors in those provinces the judicial powers which they now exercise; still, however, there would remain some duties which it might not be altogether safe to confide to natives, excepting under the immediate control of an European officer: and even in the Lower Provinces we should anticipate considerable advantage from the union of revenue and magisterial functions.

58. Against this arrangement we have as yet heard only one material objection, not founded on a misconception of the position in which Government and its revenue officers stand towards the people; viz. that it will no longer be possible for Government to find employment for indolent or ignorant men, without greater public inconvenience than is now experienced from the appointment of an incompetent collector. But this is an argument which, at the present moment especially, it must be unnecessary for us seriously to answer.

59. In the unsettled districts, we consider the proposed union of duties to be recommended by the strongest possible considerations; the measure being indeed in our judgment quite indispensable to the efficiency of either department. We trust it is not necessary to enter into any detailed explanation of the grounds on which we hold this opinion, the Supreme Government having itself in many instances admitted the principle, and the arrangements adopted at Madras and Bombay, after the fullest discussion, being founded upon it. We should indeed do little more than repeat arguments already doubtless familiar to your Lordship in Council, those especially so frequently urged by the late Sir Thomas Munro; and referring to the papers already on record, in which the matter is discussed, we venture, with this general declaration of our views, to assume, that if the union of the offices of collector and magistrate be an economical arrangement, it is one which ought on other grounds also to be adopted.

60. Now it appears to us, that by adopting such an arrangement, a large saving of expense may be effected, several magistracies may be abolished, and the number of judges also may be diminished. We assume, as already intimated, that European agency is never to be employed beyond what the necessity of the case may justify; that the proper function of the covenanted civil servants of the Government is control and direction, not execution; that details are as far as possible to be left to the natives, and that we are never to waste our labour in attempting to do the business of the country when we can succeed in causing it to be done as well or better by the people themselves. We also assume that the integrity of the head native officers shall be secured by adequate pay and well-defined responsibility. By this system we are satisfied that the burthen of the collectors' duties may be so reduced as to leave them ample leisure for those of the magistracy, if the latter be properly regulated. Further, it appears to us, that if the district judges be relieved from magisterial functions, and from the cognizance of original civil suits, and that of the less important criminal cases, their authority may be so far extended as not only wholly to supersede the necessity of maintaining the courts of appeal, but as to enable Government to relieve the revenue commissioners from the duty of holding the sessions except in special cases; and if the ordinary duties of those commissioners be restricted to that of controlling the magistrates and collectors, their number may certainly be reduced without any sacrifice of efficiency.

Vide Appendix, No. 3, *MS. Collection.*

61. With the above views, we beg leave to submit a Schedule of the establishments of covenanted civil servants, by which we would propose that the administration of the Regulation

(22.) Letter from Committee on Civil Establishments, Bengal; 12 July 1830.

lation provinces, and of the Dehli territory, should be conducted. The Ceded Territories on the Nerbudda, and our more recent acquisitions, we shall hereafter separately consider. If the plan according to which the Schedule has been prepared is adopted, a saving will be effected in the offices now superintended by covenanted civil servants to the extent of *Rs.* 10,20,940, independently of the courts of appeal, from the abolition of which a further saving of *Rs.* 6,73,000 will result.

Court of Sudder Dewanny and Foujdarry Adawlut.

62. The last measure would render it necessary either to have an additional Sudder Court, or to add to the establishment of the present court. The latter arrangement, we think, is decidedly preferable, so long at least as there shall be no change in the constitution of the Government; and although we see reason to think that it may be found practicable to make a reduction in the expenses of the Sudder Board, and Board of Customs, Salt and Opium, sufficient to meet the increase in the Sudder Court, we deem it prudent and proper at present to allow 170,000 *Rs.* on that account.

Registrars of Zillah Courts.

63. We have already, in our Report relative to Madras, recommended the abolition of the office of registrars, persuaded that it is in the last degree objectionable to employ under that name very young men as judges, according to the system now followed. We have not overlooked the reasons that might be urged against the proposition, on the assumption that the registrars were employed as ministerial officers in conformity with the principles of the code of 1793. We admit that registrars might be very useful to the judges in seeing that all prescribed forms are observed, and especially the essential rule which requires that parties shall be brought distinctly to issue, in superintending the execution of orders and decrees, in making local inquiries, in preserving the records, in inquiring into and reporting upon a variety of matters that will otherwise occupy much of the judges' time. They might also, perhaps, be employed in advocating pauper suits, and conducting the suits of the great pauper, Government. In some cases, too, it might be advantageous to direct them to sit with the chief native judges as witnesses and reporters of their proceedings, and generally they might be useful as the staff or secretaries of the judges, being also available for occasional vacancies in other departments.

64. These objects, however, are not of the highest importance. It is clearly more necessary that the collectors and magistrates should have the aid of assistants of some standing, than that judges should have registrars. Such assistants, in the unsettled countries especially, or in the management of the particular estates in districts permanently settled, will have the best possible training for any line of duty to which they may be destined; and as it seems to be impossible to have both registrars to the courts and principal assistants to collectors and magistrates, without inordinately increasing the number of civil servants, and consuming the funds that had better be appropriated to the appointment of a sufficient number of native judges adequately paid, we conclude that the office of registrar ought to be abolished here as at Madras.

Native Judges.

65. The native judges of Bengal appear to be in general underpaid. The moonsiffs especially, being in several districts far too numerous, appear in many instances to receive a miserable pittance, and their time is often taken up in mere executive duties which a common mohurrir might discharge. These defects of the system seem to admit of easy remedy, and we doubt not that, with liberal pay, an ample supply of good native judges will soon be at the command of Government. But of course, in the application of what we would suggest under this head, it is especially necessary to proceed gradually and with caution, the general scheme being kept steadily in view, and every fit opportunity being taken of adopting it, zillah by zillah, with modifications suggested by local circumstances, but no attempt being made to enforce an unnatural uniformity, or to anticipate the existence of fit instruments.

66. It appears to us that the native judges would be sufficiently remunerated, if upon an average they received *Rs.* 2,500 per annum; and a gradation of emolument being desirable, independently of differences of function, we would recommend that the highest rate of pay be *Rs.* 6,000, and the lowest *Rs.* 1,200.

67. For the trial of civil suits of inconsiderable value, it will be necessary to have some stationed in the interior of the districts; but it does not appear to us advisable to carry this principle so far as has sometimes been proposed, under the notion of giving every one justice at his own home; and this opinion we hold not on considerations of economy alone. The great object, we conceive, is to secure the prompt decision of cases, the settlement of which can only be expected through the intervention of a court. If that be accomplished, and if all unnecessary detention of parties and witnesses be avoided, a moderate distance of the court from the residence of those engaged in litigation, will not be severely felt. The strength of the establishment ought therefore, we think, to be settled chiefly with reference to the population and wealth of the districts, though extent will also properly form an item in the adjustment; and if the districts of the least extent and thinnest population be divided into four or five divisions, and the most populous and extensive into eight or nine, there will not, we imagine, be any just cause of complaint on the score of distance.

68. Civil suits, in which any considerable amount of property may be at stake, as well as all criminal cases (excepting those of the highest description), should, for obvious reasons, be tried at the Sudder station, unless where the parties may prefer one of the pergunnah courts. It will also probably be found expedient to employ the head native judges in the trial of appeals from the decisions of the inferior native tribunals: and generally we may observe that, the European judge being chiefly useful for purposes of control, the plan of ordering new trials, and of referring cases decided by one native judge to the judgment of two or more, and questions of fact to juries, should be adopted as far as possible. But into these details it is foreign from our present purpose to enter; and in submitting the Schedule

III.

Calcutta Civil Finance Committee. Vide Appendix, No. 5 & 9, *MS. Collection.*

of establishment, we do so of course with the full expectation that considerable modifications in its several parts may be found necessary.

69. Looking to the reputed superficies and population of the several districts of this presidency, to the extent of the civil and criminal business, as shown in the statements furnished by the Sudder Dewanny and Nizamut Adawlut, it appears to us that the number of native judges will need to vary from eight to 12. For a few places in Bengal 18 may be required, and in some of the western districts six may possibly suffice. One-third, or thereabouts, we suppose to be employed at the Sudder station; the remainder at convenient places in the interior of the several districts; and as far as we can venture to decide on a matter in which some latitude must of course be allowed, the wants of the people would be sufficiently provided for by the employment in the districts mentioned in the Schedule * of 415 native judges. The scale of emoluments might, we conceive, be advantageously adjusted as follows:

—	Where 6 are wanted.	Where 8 are wanted.	Where 9 are wanted.	Where 10 are wanted.	Where 12 are wanted.	Where 15 are wanted.	Where 18 are wanted.
At 6,000 p'an.	1,—6,000	1,—6,000	1,— 6,000	1,— 6,000	2,—12,000	2,—12,000	3,—18,000
— 4,800 ditto	- - -	- - -	1,— 4,800	1,— 4,800	—	—	—
— 3,000 ditto	1,— 3,000	2,— 6,000	1,— 3,000	2,— 6,000	2,— 6,000	3,— 9,000	3,— 9,000
— 1,800 ditto	2,— 3,600	3,— 5,400	3,— 5,400	3,— 5,400	4,— 7,200	5,— 9,000	6,—10,800
— 1,200 ditto	2,— 2,400	2,— 2,400	3,— 3,600	3,— 3,600	4,— 4,800	5,— 6,000	6,— 7,200
Total - -	6,—15,000	8,—19,800	9,—22,800	10,—25,800	12,—30,000	15,—36,000	18,—45,000
Average -	2,500	2,475	2,533	2,580	2,500	2,400	2,500

70. If this scale of emolument be adopted, the aggregate pay of the officers in question may be stated at *Rs.* 10,37,500, being *Rs.* 3,07,500 † in excess of the sums now received by the sudder ameens and moonsiffs in their judicial capacities.

71. It has, we understand, been proposed to employ a considerably larger number, and to give higher pay; and it may be proper to explain, that in estimating the wants of the country we have proceeded on the assumption that the suits now summarily disposed of by the zillah judges and collectors are generally such as to admit of easy determination; it appearing that the judge of Burdwan decided more than 5,000 such suits in one year. The possibility of our requiring a larger establishment ought however to be kept in mind, as one of many obvious reasons for carrying out proposals of retrenchment elsewhere beyond the immediate necessity of the case. The salaries above detailed have been adopted by us, after a careful consideration of prices and the wages of labour, with reference to the duties on which we suppose the native judges to be immediately employed. If hereafter they shall take the place of zillah judges, or if the importance of their functions shall be otherwise materially enlarged, it will of course be right to reconsider their claims to increased emoluments.

72. We shall separately report on the native establishments in the Revenue and Police departments. At present we shall only remark that it seems to us to be of the highest importance that the collectors, those in the unsettled districts especially, should have efficient servants; and that for this purpose their head men should, as at Madras, be liberally paid. This is equally desirable whether collectors are to be magistrates or not; but it will certainly beyond any other measure tend to remove all the difficulties which are likely to oppose the plan of uniting the two offices; for a good sheristadar and a well-ordered system of record will render the collector's superintendence comparatively easy.

73. The pay of our tehsildars may, we see reason to think, be so regulated as to provide a fund for the increase we should propose to the sheristadars; and if, as is desirable on grounds often and unanswerably urged by Sir Thomas Munro, the former have the charge of the police within their divisions, we shall be able, we hope, without undue parsimony, to effect a certain saving in the native establishments. This point, however, we propose to consider separately.

74. Besides the offices mentioned in the Schedule, there is a commissioner for the Sunderbunds; which appointment, now that the boundary has been settled, ought to cease, and the duties be transferred to the collector and salt agent of the 24 Pergunnahs, and the other collectors whose districts touch the Sunderbunds.

75. The

* Upper Provinces - - - - - - - - 129
Lower ditto - - - - - - - - 286
Total - - - 415

† Aggregate present allowances of Sudder Ameens and Moonsiffs - - 7,30,000
Aggregate of proposed allowances to native Judges - - - - 10,37,500
Excess - - - 3,07,500

(22.) Letter from Committee on Civil Establishments, Bengal; 12 July 1830.

75. The revenue surveyors ought, we think, to be reduced and employed merely as topographical surveyors, unless we can satisfy ourselves that their superintendence will ensure economy and accuracy in the field measurements, which are indispensable to anything like a real settlement of the country. On this subject the surveyor-general is understood to be preparing a report, and we shall reserve it, therefore, for future consideration.

76. The special commissioners, acting under Regulation III. 1828, must of course be considered as holding temporary and contingent appointments. If they do nothing that could not be done by the ordinary courts equally well and cheaply, of course they should cease; and however well they may perform their duty, and however large may be the extent of property confirmed through their judgments to Government or individuals, we should be disposed to think that the establishment of a good judicial system would render unnecessary any such special tribunals. It is to be observed, however, that the duty is of a kind which it would be rather rash at present to entrust to native judges. We do not, therefore, propose to take credit for any saving under this head; but we would suggest for consideration the expediency of employing several of the officers who may become supernumerary on the abolition of the offices proposed to be abolished, as commissioners in districts where there is now no special commision, and in which the quantity of land fraudulently alienated is said to be large. This suggestion would equally apply to Madras and Bombay, where the enam lands seem to be very extensive.

(23.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 14th June 1830.

(23.)—Letter from Committee on Indian Navy; 14 June 1830.

My Lord,

1. THE marine establishment under the Government of Bombay will form the subject of our present Report. According to the method hitherto pursued, we furnish a comparative statement of the ordinary and extraordinary disbursements in this department for 1823-24 and 1828-29, exhibiting an excess of *Rs.* 6,62,932, exclusive of steamers, in the latter year. We also insert below the charges from 1815-16 to 1828-29, and those estimated for 1829-30 and 1830-31 *.

2. In submitting to your Lordship in Council our remarks upon this branch of expenditure, it is not necessary, we apprehend, to describe the several changes which the Bombay marine has undergone at different periods, much less to enter into a narrative of the long and honourable public services which they have performed, and which have recently been marked in a special manner by the privilege conferred on the officers of taking rank with those of the Royal navy; for these topics could not materially assist the immediate object of our inquiry, which is to fix the extent of maritime force indispensably necessary to be maintained by the Honourable Company in the actual circumstances of present times.

3. At an early stage of our investigation we endeavoured to ascertain, in consequence of the correspondence on the subject which had previously passed between the Supreme Government and the Government of Bombay, whether the exclusive employment of His Majesty's ships would prove less expensive than those of the Indian navy (the designation now directed to be applied to the Bombay marine); but the answer of Rear-admiral Gage did not lead us to expect any diminution of expense, supposing it necessary to maintain a distinct force for the Persian Gulf service. As the correspondence with the admiral passed through the medium of the Supreme Government, we do not enclose a copy of it on this occasion.

4. Your Lordship in Council is aware that the Honourable the Court of Directors, in a despatch dated the 1st of October 1827, to the Government of Bombay, directed that the establishment for the Indian navy should in future consist of twelve vessels:

1 frigate

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* Statement of the Charges of the Bombay Marine from 1815–16 to 1830–31.

YEARS.	Local Charges.	STORES.	TOTAL.
1815–16	10,27,502	No Stores charged in these years as received from London or Bengal.	10,27,502
1816–17	9,53,696		9,53,696
1817–18	11,28,518		11,28,518
1818–19	10,92,593		10,92,593
1819–20	12,47,649		12,47,649
1820–21	13,38,200		13,38,200
1821–22	12,96,344		12,96,344
1822–23	11,45,957		11,45,957
1823–24	10,81,509	77,830	11,59,339
1824–25	10,96,507	77,300	11,89,257
1825–26	14,70,228	68,609	16,44,615
1826–27	14,44,155	2,71,813	17,15,968
1827–28	18,79,421	2,62,804	21,42,225
1828–29	16,15,042	2,07,227	18,22,269
Estimate 1829–30	17,26,000	1,96,900	19,22,900
1830–31	15,03,700	2,22,200	17,25,900

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1 frigate (the Hastings)	-	of 30 guns.
3 sloops - - -	each of	24 -
4 ditto - - -	ditto	16 -
2 ditto - - -	ditto	10 -
2 steamers - -	ditto	5 -

We have not found any information on record to enable us to discover the precise reason which led the Honourable Court to order the above scale of force to be maintained, except the one assigned in their despatch, "to promote the efficiency of the Indian navy;" neither does it appear on record that any inefficiency had been experienced, or that any calculation of expense was made in reference to the proposed scale: upon comparing this number and class of vessels, however, with the number and class of vessels composing the marine when the despatch in question arrived, a list of which we have inserted below *, it will be seen by your Lordship in Council that the scale proposed by the Honourable Court is much larger, and would consequently be much more expensive, than that existing in 1828.

5. In a subsequent despatch, dated the 31st December 1829, the Honourable Court informed the Government of Bombay that, in the present embarrassed state of the finances of India, they did not feel themselves at liberty to authorize the construction of a 24-gun vessel, and that every expenditure that could be avoided or postponed, without great detriment to the service, must be abstained from. They further added, "we conclude that the Bengal Government will have transferred to you the Enterprize steamer, and that the Hastings frigate will have been also returned to you; and we should hope that by the addition of this strength the marine will be found adequate to discharge all its ordinary duties."

6. The superintendant of the Indian navy, Captain Sir Charles Malcolm, has given his opinion that ten vessels is "the smallest number that can possibly be done with, without allowing for extra service, or small expeditions against pirates;" and the services required to be performed by these vessels are also laid down by him as follows:

4 vessels to be in constant circulation, in order to keep up a regular monthly communication between the Presidency and Bushire, in the Persian Gulf.
1 vessel at Bassadore, for the commodore of the squadron in the Persian Gulf.
2 vessels at the Presidency, one to be kept ready for any service required, and the other under repair.
1 vessel for the duties of the Red Sea.
1 vessel to cruize in the Gulf of Cutch, Cambay, and to the northward.
1 vessel for the service of the Malabar coast.

7. With regard to the scale here proposed, we beg to observe, that the employment of ships of war does not seem necessary for every description of service thus destined for them, and that a steamer may in future supersede the necessity of employing ships of war in the neighbourhood of Bombay, on most occasions in which it has hitherto been customary to employ them; neither are we aware of any service for a ship of war in the Red Sea, which is so pressing as to justify any expense on that account; moreover, it may be safely assumed that in these times a vessel of war may be dispensed with in the Gulfs of Cutch or Cambay, on the Malabar coast, and to the northward of Bombay. If the presence of such a vessel should happen to be wanted for any particular purpose, the one destined under this plan "to be at the Presidency ready for any service required," would be available. Even, therefore, were we required to form our judgment on the facts furnished in Sir Charles Malcolm's letter now referred to, we must conclude that, under the existing financial exigency, the strength of the Indian navy ought to be reduced greatly below the standard above specified; and this impression is generally strengthened by the other information we have obtained.

8. With the view of assisting our judgment as to the footing on which the Indian navy should at present be placed, we requested the opinions of Commodore Sir John Hayes and of Captain Ross of that service, and employed under the orders of the Supreme Government; but these officers intimated their inability to afford us any satisfactory information, in consequence of their long absence from the western side of India.

9. We also consulted Mr. W. Bruce, formerly resident of Bushire, whose long experience and local knowledge entitle his opinions to great weight, and we solicit the particular notice of your Lordship in Council to that gentleman's letter, which accompanied our address of the 19th of April last to your Lordship in Council, and a copy of which for the convenience of reference is annexed to this Report.

10. We shall, in the first place, advert to that portion of the letter in which the policy of altogether withdrawing our naval force from the Gulf is discussed. On this point we confess we are not satisfied that there exists any clear necessity for a minute and constant interference with the piratical States in question, such as to require the continued employment of a naval

* List of vessels of war in commission in 1828, exclusive of schooners and smaller vessels:

4 ships - - - - - - -	18 guns.
1 ditto - - - - - - -	12 ditto.
3 brigs - - - - - - -	10 ditto

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(23.) Letter from Committee on Indian Navy; 14 June 1830.

a naval force upon the duty which the Indian navy is intended to perform; and if it were necessary to provide for an occasional enterprize only, we should be decidedly opposed to the policy of maintaining for the purpose any other armed naval force than that of His Majesty's navy: even indeed for the regular service which the Indian navy is required to perform, were it now a question whether such an establishment should be created, we should be against the measure, and should deem it preferable to look to the navy of England, of which one or two large brigs of war would probably suffice, and over which it would not, we presume, be difficult so to arrange that the Governments of India should exercise direct authority. As an ultimate object, therefore, the discontinuance of the Indian navy ought, we think, to be kept in view; and the remarks of Mr. Bruce are well deserving of attention in considering that branch of the question which hinges on the state of affairs in the Gulf.

11. But at present the Company's Governments in India have no authority over the King's navy, and the actual existence of a large marine establishment at Bombay is an important circumstance to be attended to. In that establishment no material change can probably be made without a reference to England; even should it there be resolved to discontinue it, the measure could not be effected otherwise than very gradually, without much expense; and for immediate practical purposes the main point for consideration seems to be, how far the charges incidental to the establishment can be curtailed. If the policy of withdrawing our naval force from the Gulf appeared to your Lordship in Council to be advisable, and the experiment to be worthy of trial, our suggestions would resolve themselves into a small compass; for the immediate wants of a naval force at Bombay would not, in this case, be much greater than those of other parts of India, and all in excess of one ship and one steamer might be deemed supernumerary. As, however, we are not at liberty to assume that your Lordship in Council may adopt this view of the subject, we shall proceed on the assumption that some naval force is deemed requisite in the Gulf, and then the degree of force there wanted becomes the real object of inquiry: respecting the system and scale on which the Indian navy may require to be maintained, the judgment of your Lordship in Council will no doubt be materially influenced by the information promised by his excellency Rear-admiral Sir E. Owen, the present naval commander-in-chief, in his letter of the 8th ultimo to the Supreme Government.

12. Whether, leaving the Gulf without any naval force, the marine establishment of Bombay be reduced within the narrow limits above indicated, or whether your Lordship in Council may hesitate to adopt so sweeping a reduction, we take leave to remark that the tone in which the future expectations of the Indian navy are mentioned in various documents on the records of that Presidency, which are before us, and even the recent change in its designation, are rather to be regretted as indicating no disposition to diminish, but rather a settled purpose of augmenting the heavy expense with which it is attended. This is a point which, in our judgment, deserves the serious attention of the authorities both in India and in England.

13. With these general remarks we proceed to the consideration of the extent of force which Mr. Bruce considers sufficient, if any should be thought necessary in the Gulf of Persia: he has estimated it at one vessel of 18 guns, and one armed steamer, provided the resident does not employ them as packets; but the constant presence of a steamer in the Gulf may not be necessary; and as both vessels would require to be relieved from time to time by others, this relief in the case of the steamer might be difficult from want of an adequate number, and would at all events be very expensive. We have therefore to recommend, that one vessel of 18 guns be stationed in the Gulf, to be relieved periodically by another of the same class; for these two vessels will no doubt be found sufficient for every ordinary purpose.

14. The resident at Bushire has a schooner *, we observe, attached to him, and we would propose to assign another schooner for the duty in the Gulf. These vessels, which are of a cheap description, will furnish ample means of communication between the different parts of the Gulf, and either of them could be sent on packet duty to Bombay, if necessary, but the relief of the vessel of war, and the opportunities of communication afforded by trading vessels, will probably render the necessity of rare occurrence. The schooner Telica is at present attached to the establishment of the Honourable the Governor; but since the introduction of steamers on the western side of India, a vessel of the latter description will probably be preferred by him on the few occssions in which he has to go to sea, and the Telica might be appropriated to the service above stated.

* The "Fly," commanded by a Native.

15. As the necessity of having a commodore in the Gulf of Persia ceases if the naval establishment is put on the footing here proposed, we recommend the abolition of that appointment. The office of storekeeper at Bassadore will also become unnecessary.

16. In regard to the state of the piratical powers in the Gulf of Persia, we had occasion, in our report of the 26th April last, to notice incidentally the rare occurrence of piracy within late years in that quarter; and the trifling nature of the cases which have been occasionally reported, none of which in reality concern British interests, serves to confirm the notoriety of the fact. The records of events for a series of years affords indisputable evidence that the practice of piracy upon ships sailing under British colours has ceased, and that in respect to the other vessels it is infinitely less frequent than at any former period; and hence it seems reasonable to assume that Government may safely reduce its maritime strength to a lower degree than formerly.

17. In applying our attention to the subject under review, we have carefully perused and considered the arguments which have been advanced in the despatch of the 20th February 1829, from the Government of Bombay to your Lordship in Council, and in other documents, in proof of the necessity of keeping up a naval force on a larger scale than has appeared to us to be indispensable; and although we are fully sensible of the weight which these arguments carry, yet considering them along with the absolute necessity of retrieving the State from its pecuniary embarrassments, they have not convinced us that the latter necessity is the least of the two. Besides, it does not appear that sufficient importance has been attached, in the arguments to which we allude, to the fact that a squadron of His Majesty's ships is in India, and that their services are procurable, in cases of war or emergency, as well in the Persian Gulf as elsewhere, and that they have always been, in truth, the preponderating arm in naval warfare in that quarter.

18. If the Honourable Company's Government maintains a force sufficient to see that its treaties are observed (and for this the best security is that commanding impression of its power which now undoubtedly prevails, in consequence of the convincing proofs which the piratical powers in the Gulf have experienced of its ability to chastise their offences), in that case we think that all is maintained which can reasonably be contended for on the plea of political necessity: but if any broader principle is adopted in deciding on the extent of naval force which is required; if a system of policy is pursued, for instance, which binds up our responsibility in all the petty politics of the Arab tribes bordering on the Persian Gulf; or if we undertake to provide for the complete protection of every one visiting that sea, and to call to account every depredator against others as well as against ourselves, then even the large number of ships proposed by the Honourable Court to be maintained may prove insufficient, for the sufficiency must of course depend on the nature of the objects to which the services of the maritime force are to be directed. The essential object of inspiring the pirate states with a salutary awe of our power has, as above intimated, been attained by operations in which the force ordinarily employed in the Gulf could only be expected to take an inconsiderable share; and the necessity of undertaking repeated expeditions against those states at a very heavy charge to the Bombay Government, was not, we may observe, obviated by the existence of an expensive marine. The whole tenor of Mr. Bruce's letter affords evidence of the existence in the Gulf of that impression of our power to which we have alluded; and the circumstances, recently reported to the Supreme Government, which attended the capture of a vessel belonging to Morbut, and the restitution of the captured property on the demand of the resident at Bushire, show that this impression continues as much as ever to prevail. But as the prevalence of that impression is not to be attributed to the strength of our local marine force, and as it must operate to diminish the risk of our being obliged to have recourse to measures of coercion, it would surely be very unreasonable to regard its existence as a ground for maintaining the Indian navy on an extensive scale.

19. As the extent and value of the trade between India and the Persian Gulf are of importance in considering the present question, we insert a Statement thereof, from the year 1821-22 to 1827-28:

YEAR.	BENGAL.		MADRAS.		BOMBAY.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
1821-22	36,25,178	47,40,902	92,862	20,90,821	33,85,197	33,59,384
1822-23	38,54,718	34,64,404	2,24,240	85,040	36,79,169	30,91,782
1823-24	24,18,321	34,15,597	1,98,144	54,156	39,44,529	41,59,485
1824-25	18,19,883	27,13,344	26,643	83,416	35,31,303	37,15,960
1825-26	22,53,338	31,47,972	66,326	3,67,802	31,78,411	43,43,780
1826-27	11,56,276	21,86,501	8,361	1,07,009	34,22,128	41,91,831
1827-28	21,27,048	22,54,434	17,960	4,25,958	32,05,662	33,66,175

20. From the above Statement, it will be observed that the average value of the trade between Calcutta and the Persian Gulf amounts annually to *Rs.* 55,96,845; between the ports under the Government of Fort St. George and those in the Gulf of Persia, to *Rs.* 549,819; and between Bombay and the Gulf to *Rs.* 72,24,971. The amount of customs levied on the trade in question is small, owing to the exemption from duty which is allowed to the most valuable articles of import, such as treasure, jewels, and horses. The import and export duty at Calcutta, on an average of the above seven years, was *Rs.* 1,05,795; at Madras *Rs.* 46,610, and at Bombay *Rs.* 39,777. The subjoined Statement shows what portion of this trade is carried on in English and what in Arab ships:

	YEARS.	ARRIVALS.				DEPARTURES.			
		ENGLISH.		ARAB.		ENGLISH.		ARAB.	
		Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
BENGAL.	1821-22	11	4,466	16	7,770	15	6,748	18	7,461
	1822-23	10	4,071	11	4,800	10	4,261	10	4,177
	1823-24	12	4,617	10	4,331	6	1,883	9	4,385
	1824-25	3	956	10	4,378	4	1,752	7	3,455
	1825-26	2	505	11	4,954	7	2,938	10	3,641
	1826-27	3	902	11	4,547	17	6,525	8	3,273
	1827-28	9	3,604	15	6,256	9	3,958	14	6,259
MADRAS.	1821-22	6	2,139	2	950	2	1,112	—	—
	1822-23	10	3,612	3	1,525	—	—	—	—
	1823-24	7	2,530	3	895	8	1,028	15	2,253
	1824-25	4	1,581	- -	- - -	1	305	28	3,677
	1825-26	1	125	4	1,350	8	490	25	3,868
	1826-27	—	—	—	—	—	—	—	—
	1827-28	- -	- - -	4	780	1	150	—	—
BOMBAY.	1821-22	24	8,964	4	1,724	12	4,527	4	2,239
	1822-23	14	7,665	4	1,794	9	3,695	3	1,712
	1823-24	13	5,086	8	3,605	3	953	6	3,288
	1824-25	4	1,239	6	3,131	- -	- - -	5	1,809
	1825-26	3	1,283	6	2,573	3	1,630	6	2,083
	1826-27	7	3,092	3	992	5	1,757	3	2,590
	1827-28	14	5,697	3	781	4	1,888	1	251

21. In a despatch of the 29th August 1821, the Government of Bombay was informed by the Honourable Court that it was left to its discretion to maintain the marine on a scale suited to the wants of the public service, and not to incur an unnecessary expense during a period of general peace; and in accordance with this view, we think that in a time of peace like the present, the Indian navy may at all events be put on a peace establishment, consistently with the security of British interests and the preservation of existing treaties; and we accordingly recommend that the number and class of ships of war in commission be reduced to the following scale, viz.:

Two vessels of 18 guns for the Gulf of Persia.

One vessel of 10 guns under repair, or for duty at Bombay.

One steamer for general duty at Bombay.

22. In the event of one of the 18-gun vessels requiring any considerable repair, we presume that another vessel of the same class can be put into commission in her place, or that the vessel of 10 guns may furnish the relief until the repairs are made, supposing the relief cannot conveniently be postponed.

23. In the above scale we have not provided for the wants of Bengal and Madras, because we understand that there is no immediate occasion for vessels of war at those presidencies; but should the want occur, it can be supplied by putting into commission one or more of the ships which will be laid up under the proposed plan.

24. Besides ships of war, there are others on the Bombay establishment on which we have to offer some remarks; and the first of these is the surveying ship Benares, the charge for which, exclusive of officers, purser, master, captain's clerk, and stores, is entered in the auditor's book at *Rs.* 25,912 per annum, or at *Rs.* 21,312 beyond the charge incurred, after deducting officers and stores, for the surveying vessels employed by the marine surveyor-general of Bengal*; whereas the difference between the two vessels is only 50 tons, the former being 250 and the latter 200 tons. We therefore recommend that the complement of the Benares be reduced to what is absolutely necessary for the object of her being afloat, and that she be laid up as soon as that object is accomplished. A similar system of exorbitant expenditure is observable in the establishment maintained at Bombay for the pilot brig Palinurus. This vessel in point of tonnage corresponds precisely with a Bengal pilot

* Expense of a Bengal pilot vessel, exclusive of the charge of officers and stores -	4,600
One-fourth on account of difference of tonnage - - - - - - - -	1,150
	5,750
And one-third on account of higher wages at Bombay - - - - - -	1,917
Total - - - -	7,667

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pilot vessel, and, exclusive of officers, purser, captain's clerk, and stores, is entered in the auditor's book at *Rs.* 10,988 per annum, whereas the latter description of vessels, exclusive of pilots and stores, is entered at *R.* 4,600, showing an excess in the former of *Rs.* 6,388*. This comparison, too, holds equally good whether we consider the Palinurus to be employed as a pilot brig (which she properly is) or as a surveying vessel (which she is understood to be occasionally); for the same class of ship, and the same complement of men, are now used in Bengal for both purposes. As a pilot brig for the Bombay harbour (where there is an ample supply of excellent pilot boats) she is understood to be totally unnecessary, except in the monsoon. We recommend, therefore, that this vessel (the Palinurus) be annually laid up from the 15th October to 15th May, and that when in commission for the remaining five months she have only such a complement of officers and crew as is consistent with the nature of her duties. The employment of one vessel for surveying at Bombay is, we think, quite sufficient, especially in reference to the question of expense.

25. The vessel (Nautilus) which is stationed at Surat for the senior naval officer, we propose should be laid up; for as that officer resides altogether on shore, the expense of a vessel for him seems very superfluous, and we find the same opinion expressed in a Minute† by Mr. Warden, late member of Council at Bombay: moreover, we are not satisfied that any necessity exists for having a naval officer at all at Surat, but we shall reserve our remarks on this point for a subsequent part of this Report. In our Schedule we have taken credit for the sum of *Rs.* 45,316,‡ the amount of reduction which we calculate will arise by adopting the suggestions contained in this and the preceding paragraph.

26. In order to exhibit to your Lordship in Council, at one view, the number and description of ships maintained at Bombay, exclusive of pattamars and inferior craft, in the present and two preceding years, we insert the following List, which likewise embraces the scale of ships of every description, with the above exception, which are contemplated in this Report to be continued in commission:

1. Elphinstone

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* Comparative Statement of the Expense of the Crews of a Bengal Pilot Brig, and of the Palinurus.

Pilot Brig.		Brig Palinurus.	
1 Native Carpenter	20 – –	1 Gunner	40 – –
1 Carpenter's Mate	15 – –	1 Carpenter	40 – –
1 Syrang	15 – –	4 Quarter-masters, or Succanies, at 25 rupees each	100 – –
1 Tindal	12 – –	1 Native Steward	20 – –
2 Steersmen	20 – –	1 Syrang	30 – –
1 Cook for the Europeans	8 – –	1 First Tindal	18 – –
1 ditto for the Natives	4 – –	1 Second ditto	15 – –
1 Cussaub	8 – –	30 Lascars, at 8 rupees each	240 – –
1 Topaz	7 – –	1 Cook	8 – –
1 Pilot's Servant	7 – –	1 ditto for the Commander	10 – –
4 Lascars (able)	112 – –	1 ditto for the Mates	9 – –
8 ditto (ordinary)	40 – –	2 Topasses, at 6 rupees each	12 – –
1 Sail-maker	10 – –	1 Commander's Servant	12 – –
The charge for provisions averaged during the year 1828	105 6 –½	1 Chief Mate's - ditto	10 – –
		1 Second ditto - ditto	8 – –
		1 Gunner's ditto	7 – –
		1 Steward's ditto	6 – –
		4 Marine Boys for training, at 12 rupees each	48 – –
		Provision allowance	282 2 98
Total per Mensem	383 6 –½	Total per Mensem	915 2 98
Or per Annum	4,600 8 6	Or per Annum	10,988 3 76

† 9th July 1827.

	Rs.	
‡ Benares:		
Present charge	25,912 – –	
Proposed ditto	7,667 – –	
Difference		18,245 – –
Palinurus;		
Present charge	10,988 – –	
Proposed ditto for five months	1,916 10 8	
Difference		9,071 5 4
Brig Nautilus		18,000 – –
Total		45,316 5 4

1828.		1829.		1830.		—	
No.	Guns.	No.	Guns.	No.	Guns.	No.	Guns.
1. Elphinstone	18	1. Elphinstone	18	1. Elphinstone	18	1. Clive	18
2. Amherst	18	2. Amherst	18	2. Amherst	18	2. Coote	18
3. Clive	18	3. Clive	18	3. Clive	18	3. Tigris	10
4. Coote	18	4. Coote	18	4. Coote	18	4. Hugh Lindsay (steamer.)	
5. Ternate	12	5. Ternate	12	5. Ternate	12	5. Benares (surveying ship.)	
6. Nautilus	10	6. Nautilus	10	6. Nautilus	10	6. Palinurus (pilot brig.)	
7. Antelope	10	7. Antelope	10	7. Euphrates	10	7. Fly schooner (for packet service in the Gulf.)	
8. Thetis	10	8. Euphrates	10	8. Tigris	10	8. Telica.	
9. Benares (surveying ship.)		9. Benares (surveying ship.)		9. Benares (surveying ship.)		9. Enterprize (steam packet.)	
10. Palinurus (pilot brig.)		10. Palinurus (pilot brig.)		10. Palinurus (pilot brig.)			
11. Yacht Hygeia.		11. Fly (schooner attached to the Resident at Bushire.)		11. Fly (schooner, attached to Resident, Bushire.)			
		12. Telica.		12. Telica (attached to Governor.)			
		13. Enterprize (steamer.)		13. Enterprize, 14. Hugh Lindsay, (steamers.)			
In Ordinary:		In Ordinary:		In Ordinary:			
12. Aurora (receiving vessel.)		14. Aurora (receiving vessel.)		15. Aurora (receiving vessel.)			
		15. Thetis.		16. Thetis			
				17. Hastings (frigate.)			

27. Your Lordship in Council will observe, that we have included one steamer in the foregoing plan as a vessel of war, which appears to us to be sufficient for all ordinary duty in the neighbourhood of Bombay, and the other as a packet. The employment of the latter for the conveyance of passengers and letters to the Red Sea, which may be considered a speculation not necessary for the Government to continue if private individuals enter into it, or if it be attended with heavy pecuniary loss, is an undertaking belonging, we think, to the Post-office department, to which the charge of the second steamer should be debited.

28. We shall now proceed to consider the establishment of officers in the Indian navy: the number destined to serve afloat, by the Honourable Court's despatches of the 31st October 1827, and 31st December 1829, allowing for furlough and sickness, was five captains, 12 commanders, 46 lieutenants, 60 midshipmen.

The number serving afloat in 1828 was, four captains, eight commanders, 23 lieutenants, 34 midshipmen.

And the whole number of officers, afloat and on shore, on furlough or on sick certificate, at the latter period, was, eight captains, 10 commanders, 48 lieutenants, 48 midshipmen.

29. It is material to point out to your Lordship in Council, that although by the order of the Honourable Court officers holding situations on shore are desired to relinquish them and return to the proper duties of their profession, or to resign the marine altogether, yet the establishment of officers fixed by the Honourable Court for service afloat only, is nearly the same as that which had previously executed all duties afloat and ashore, the reduction being three captains and two lieutenants, and the addition two commanders and 12 midshipmen; besides, it is to be observed, that the appointments of pursers, of masters, and of captains' clerks, have been introduced since 1823–24, and that an establishment of pilots and volunteers for piloting ships in and out of the harbour of Bombay, which duty had been and continues to be performed by the petty and warrant officers of the marine, was directed by the Court to be added to the master attendant's department.

30. The number of officers required afloat for the Indian navy, manifestly depends on the number of ships deemed necessary for the public service; but as the pay of the officers forms a comparatively small item in the expense of a ship at sea, the object of economy would be much better attained by continuing to them their pay and emoluments on shore until their services are wanted afloat, rather than by keeping ships in commission unnecessarily,

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cessarily, with the view of affording employment. In reference, therefore, to the number of ships of war, and of vessels of every kind *, exclusive of pattamars and other small craft which are commanded by natives, the following number of officers will, in our opinion, suffice for service afloat, including casualties, furloughs, &c.: three captains, three commanders, 19 lieutenants, 28 midshipmen: and as at the commencement of the present year (1830) the actual strength of the Indian navy was, nine captains, nine commanders, 46 lieutenants, 67 midshipmen, it will be evident to your Lordship in Council that there is more than an ample supply of officers for every description of regular or miscellaneous service that can now be required of them, whether afloat or on shore †.

31. In respect to the pilot establishment ordered to be introduced at Bombay, the Marine Board at the Presidency, in a Report to the Government, dated the 14th June 1828, observed, that the existing establishment for piloting vessels in and out of the harbour had been found fully sufficient to meet every exigency, and the Government consequently continued the pilotage in the hands of the warrant and petty officers of the marine; but as volunteers for the pilot service had been sent out by the Court in puruance of the intention expressed in their despatch, these gentlemen have been incorporated with the midshipmen, whose number at the beginning of the present year amounted to 67. We would therefore beg to recommend that no more midshipmen be sent out until the Government finds occasion to apply for them.

32. The number of pursers at the commencement of the present year was 13, and we observe that they are attached to vessels of the smallest class, and steamers; as these appointments are recent we recommend their discontinuance, for the Indian navy has done without them for upwards of half a century; and although, as observed by the Honourable Court, " the practice of victualling the ships by a monthly allowance per head to the captain was decidedly objectionable," yet the system now introduced of furnishing provisions by the Government appears to be practicable without the aid of a purser, especially in small ships.

33. The number of captains' clerks at the beginning of the present year was 14; and as the Honourable Court has limited these appointments to vessels commanded by full captains, we propose to reduce the number to three, corresponding with that of the captains in our list. The offices described in this and the preceding paragraph are conferred on individuals who are not included on the strength of the Indian navy. The masters are selected from the senior midshipmen; but as the Indian navy has hitherto done without these appointments, we recommend their abolition.

34. The expense on account of pattamar and advice-boats has considerably increased, we observe, since the year 1823 ‡; but as the establishment formerly kept up ought to be found ample for present purposes, we beg to recommend that the existing establishment be reduced to the former standard, whereby a reduction of expense will be effected to the amount of *Rs.* 3,472; and, adverting to the expense attending the numerous small craft employed about the harbour of Bombay, and to sundry petty establishments connected therewith, into the details of which we could not advantageously enter, we should hope that the Government will be enabled to effect a considerable reduction in this respect.

35. The

* VESSELS.	Captains or Commanders.	Lieutenants.	Midshipmen.
2 vessels of 18 guns	2	6	10
1 vessel of 10 guns	1	2	4
1 steamer of 5 guns	1	1	2
1 surveying ship	1	2	4
1 pilot brig	—	1	2
1 schooner, Telica	—	1	—
1 steamer packet	—	1	1
Assistant to the Superintendant (a)	—	1	—
	5	15	23
Add for contingencies	1	4	5
Total	6	19	28

(a) *Note.*—This appointment being classed among the situations to be filled by officers on the strength of the Marine, is included in the above list.

† The duties of master-attendant at Calcutta, and Bombay marine surveyor-general in Bengal, and assistant master-attendant at Bombay, are those principally embraced in the class of duties here indicated.

‡ 1823–24	*Rs.*	14,387
1828–29		17,859
Excess	*Rs.*	3,472

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(23.) Letter from Committee on Indian Navy; 14 June 1830.

35. The observations which we have thus far submitted to your Lordship in Council; apply to that portion of the establishment which is to serve afloat; but before we proceed to offer our remarks on those establishments in the Marine department which exist on shore, we beg leave, with great respect, to advert to the orders of the Honourable Court which are contained in the 11th paragraph of their despatch of the 31st October 1829: "In considering the establishment of officers for the marine, our attention," it is stated, "has been directed to the large number who are employed in stations on shore; and being of opinion that the practice is very objectionable, we desire that all officers now so employed be called upon either to relinquish their offices and return to the proper duties of their profession, or to resign the marine altogether."

36. Now we would here respectfully observe, that the services of every officer employed on shore are undoubtedly at the disposal of Government when required, whether for sea or land; and if this proposition demanded any precise proof, we would appeal to the case of Commodore Sir John Hayes, who, whilst holding the office of master attendant in Calcutta, was actively employed afloat in the Java expedition, and during the late Burmese war; and another instance of a similar nature occurred in the case of the late Captain Barnes, who, although a member of the Marine Board at Bombay, took the command of the Hastings frigate, and joined the squadron employed in the last-mentioned war. It is well known also to your Lordship in Council that most of the naval situations on shore, whether in England or in the colonies, are held by officers on the full or half pay of His Majesty's navy, without their being required to resign their profession.

37. To apply these remarks to our present purpose, we should say, that as the number of officers actually on the strength of the Indian navy, as well as the number directed to constitute its permanent strength afloat, is greater than is now wanted for the ships to be continued in commission, the most economical arrangement would be to employ the surplus as much as possible on shore, until their services afloat are required; because officers willing to serve afloat must be paid, whether or not their services are wanted there, whilst the persons holding marine appointments on shore may be altogether a new class of individuals whom the Government is under no previous obligation to employ or to pay. It is true that marine officers in the first instance will hold these appointments on shore, but they are to be struck off the strength of the Indian navy; others, however, will then be added to keep up the standard number of officers required afloat by the Court's order; and this standard being nearly as high as it was when both land and sea duty was performed by officers on the regular strength of the marine, and infinitely higher than is now wanted for service afloat only, the result must be a palpable augmentation of expense.

38. It is not within the range of our duty, perhaps, to offer to your Lordship in Council any remarks on the apparent hardship and frequent impossibility of an officer's remaining continually at sea until he has acquired a competency with which to return to his native land; but we may be permitted to suggest the advantage which Government would derive by having officers on shore whose services, when required at sea, may be available; and if the advantage is admitted, we think it follows that no division of the land and sea service ought to have been made. As it is, the Government will in a few years be furnished with marine functionaries unconnected with the Indian navy, and superadded to its already superfluous strength: besides, a system by which the officers of the Indian navy are cut off from all appointments on shore which concern their profession, must serve to create unpleasant feelings; and on the whole it appears politic as well as economical to confer marine appointments on shore, especially those of the highest grade at the several Presidencies, on officers of the Indian navy in preference to others. The rule, therefore, by which an officer on shore is required to relinquish for ever the active duties of his profession afloat, should, we decidedly think, be annulled.

39. We shall now proceed with the marine establishments ashore under the Government of Bombay.

Superintendant.

40. Upon the office of superintendant of the Indian navy we have to suggest that it should be conferred, when vacant, upon an officer belonging to that service, and that the salary be then reduced to rupees 30,000 per annum. As the Marine Board has been directed to be abolished, we do not propose any reduction in the superintendant's native establishment; but we consider it amply sufficient for every duty which can be required of it, provided the Indian navy is put on a peace establishment. As the secretary attached to the superintendant was sanctioned for a temporary purpose only, we take it for granted that his services will be dispensed with as early as practicable.

Marine Board.

41. The Marine Board having been directed by the Honourable Court to be abolished, we have taken credit in our schedule for the cost of that office, including the marine accountant and his establishment. The business of marine accountant can easily be done, we think, by the accountant-general at Bombay, without any increase of establishment.

Marine Auditor.

42. We also propose to abolish the office of Marine Auditor, and to transfer the duty to the civil auditor. In Bengal the business of marine accountant and audit is thus distributed, and the same system is no doubt practicable at Bombay, especially since the division of the accountant-general's and civil auditor's departments has taken place, and under the diminution of accounts which will follow the adoption of the plans suggested in this report.

Master Attendant.

43. The salary of the Master Attendant we recommend to be reduced, on a vacancy, to that already proposed for Bengal and Madras, being altogether rupees 15,000 per annum.

Marine Storekeeper.

44. We see no occasion for the separate office of Marine Storekeeper, but are of opinion that

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that the principle proposed to be followed in Bengal may be adopted with advantage at Bombay.

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45. In the first place, it would be desirable perhaps that an examination should be instituted into the contents of the storekeeper's godowns, that all stores of which there is no immediate prospect of being brought into use should be disposed of; and if it is deemed desirable that any particular description of stores should be supplied for the use of Government from England, the superintendant should be required to furnish an annual indent, to be submitted to the Government, and no stores should of course be sent from England but in compliance with such indents.

46. With respect to stores procured in the country, petty articles, like the trifling contingencies of other offices, will best, we think, be provided by allowing a moderate sum monthly for each vessel to the officer commanding her; other stores and provisions should be purchased as for the army by the commissariat, and issued on indent from the captain of the vessel, countersigned by the superintendant. Such stores, and in such quantities, as are likely to be required on emergencies, should be put in charge of the master attendant. A small godown within or immediately adjoining the dock-yard, in which anchors and other bulky articles may be kept under charge of the master attendant, would suffice for their reception; the remainder should continue in charge of the commissariat department till required, it being of course a principle to accumulate none that can readily be procured in the market.

47. With respect to the issue of provisions, it appears to us that an order and indent, signed by the superintendant, should be sufficient authority to the extent of the established allowance for each individual: and of other stores that officer should similarly be authorized to grant a supply to an extent equal to the ordinary consumption. In all cases of extraordinary demand the previous sanction of Government should be obtained, and the Government furnished by the superintendant with a concise quarterly statement of indents made by his authority under the prescribed limitation.

Marine Pay Office.

48. The Marine Pay-office is under the general paymaster, and as there is one assistant attached to him we see no occasion for another in the separate department of marine. We have already, in our report of 27th April 1829, recommended the removal of the Marine Pay-office into the office of the general paymaster.

Boat-master and Captain of Mazagon Dock.

42. In the schedule of reduction we have included the offices of Boat-master and Captain of Mazagon Dock, as we do not anticipate any injury to the public service by their abolition. In their despatch of the 31st December 1829, the Honourable Court observed to the Government of Bombay, "in a vacancy of either of the offices of boat-master and captain of Mazagon Dock, you will take into your consideration the question suggested by Mr. Goodwin*, whether those offices might not be abolished without injury to the public service:" and with regard to the future conduct of the duties annexed to these offices, those of the boat-master might be transferred to the master attendant, and the care of the timber in the Mazagon Dock be also transferred to him, or one of his assistants.

* Minute 19 June 1829.

Senior Officer at Surat, and Agent for procuring Lascars.

50. The duties of the Senior Officer at Surat, as described by the late superintendant of the Indian navy, consist chiefly "in the arrangement of the armed vessels, assigning and despatching them to the different cruizing stations along the line from the Gulf of Cutch to Bassein (opposite to the island of Salsette), for the protection of the trade, and to afford convoy to the vessels laden with cotton stores, or troops, proceeding either north or south; also in superintending the river (taptee) establishments." We cannot suppose that convoy between Surat and Bombay is now often necessary; and even if the necessity be admitted, still the superintendant, as it appears to us, can execute all the duties assigned to the officer at Surat: as to the river establishments, it may probably be dispensed with altogether, or if necessary be placed under a subordinate officer of the revenue or custom department at that port. The appointment of Agent for procuring Lascars was introduced in 1828; but if the naval establishment afloat is reduced to the scale which we have proposed, there will no doubt be plenty of Lascars procurable, without employing a special agent for this purpose, and we therefore recommend the abolition of the appointment of senior officer at Surat and of agent for Lascars.

Signal Officer at the Light-house.

51. The services of the naval officer at the lighthouse seem to us to be quite superfluous. The present salary (exclusive of the naval pay) is rupees 90 per mensem; and we beg to recommend that a salary of rupees 100 be given for the duty to an individual not on the strength of the Indian navy, and belonging to a class of life more suitable to the occupation and equally competent to the discharge of the duty.

Agent for procuring Timber in Malabar and Canara.

52. We would suggest for the consideration of your Lordship in Council whether the separate appointment of Agent for procuring Timber in Malabar and Canara might not be dispensed with: we observe that timber to a large extent is purchased by tender from individuals at Bombay. The cost of timber so purchased on account of the Honourable Company's Marine, from 1st January 1827 to the 30th November 1828, appears from a statement before us, furnished by the secretary to the Marine Board at Bombay, to have amounted to rupees 3,04,880, giving an average of 13,255 rupees per mensem; and from the statement below* it appears that the average aggregate expense of the whole of the

* 1825-26, 1,04,439; 1826-27, 2,67,562; 1827-28, 2,94,033; 1828-29, 2,96,947.

(23.) Letter from Committee on Indian Navy; 14 June 1830.

the timber procured for the marine for a period of four years ending in 1828-29, was rupees 2,40,745 per annum, or rupees 20,062 per mensem; so that the quantity of timber purchased on tender is much greater than what is procured by the agent in Malabar and Canara. We refrain, however, from offering any precise recommendation for the abolition of this appointment, as circumstances with which we are unacquainted may exist to render the measure inexpedient.

53. Having thus concluded our remarks on all the marine establishments afloat and ashore on which we have at present any recommendation to submit, we request the notice of your Lordship in Council to the annexed statement of the financial result of the foregoing arrangements, exhibiting a reduction of expenditure to the annual amount of rupees 6,91,131. Now the ordinary charges of 1828-29, compared with those of 1823-24, exhibit an excess of rupees 3,11,968; and the steamers form a new item not included in either statements, the charge on account of which may be estimated at rupees 1,60,000; making an aggregate increase of rupees 4,61,968. The extraordinary charges of 1828-29 exceed those of 1823-24 in the sum of rupees 3,50,964. But of this we are not immediately able to discover what portion belongs to real charges of annual occurrence, and what to advances that may be expected to be recovered, or to expenses altogether contingent, which no estimate can embrace. We have therefore written to Bombay for further information on the subject. In the meantime we can only express our hope that in so far as the disbursements in question are properly chargeable to the Bombay marine, it may be found practicable to effect a reduction proportioned to that which we have suggested in the strength of the force to be maintained, and that on the whole the expenses of the department will not ultimately exceed the standard of 1823-24. This, however, is at best uncertain: and it is further to be recollected, that although the arrangements we have suggested, if fully carried into effect, would occasion a retrenchment in the ordinary charges beyond the excess of the year 1828-29, yet a large portion of the proposed reductions is prospective, and only practicable by degrees.

54. In conclusion, it may not be superfluous to remark that a considerable portion of the expense of the Indian navy is incurred for purposes common to all the three presidencies; and this circumstance with others should be borne in mind in considering the deficit of Bombay. How far it may be expedient to make any alteration in the mode of bringing to account this and other charges of a general nature, we may hereafter have occasion to submit to your Lordship in Council, when reporting on the general finances of India.

We have, &c. &c.

(signed) *D. Hill.*
Holt Machenzie.
John Bax.

(24.)—EXTRACT from Sir *John Malcolm*'s General Minute of 30th November 1830, on his Administration of the Bombay Government.

(24.) Extract General Minute of Sir John Malcolm, on Indian Navy; 30 November 1830.

INDIAN NAVY.

89. THE orders of the Court of Directors regarding the organization of the Indian navy, with the nomination of a captain of the Royal navy as superintendant, have effected a very complete reform in this branch of the service. The measures which have been adopted, and the success which has attended them, will be found in the several Minutes I have recorded on the letters of the superintendant. Suffice it here to observe, that a greater and more beneficial change was never made in a shorter period. The vessels are in excellent state, their crews are orderly, and the officers of every class have been placed upon a footing calculated to excite a high professional tone, and to elevate the character and respectability of the service.

90. Regulations have been introduced which have greatly improved the efficiency of the service; and where that has been promoted by granting a more adequate remuneration to those who have trust and responsibility, the expense has been already more than met by the great saving made on the purchase of provisions, the expenditure of stores, and other items, all of which have been placed under a check and control which, combined with that honourable feeling which now pervades the service, will prevent the recurrence of any of those abuses that have been remedied.

91. The Honourable the Court of Directors, in their despatch of October 1st 1827, ordered that the establishment of the Indian navy should consist of one frigate of 30 guns, three sloops each of 24 guns, four sloops each of 16 guns, two brigs each of 10 guns, two steamers each of five guns. It has been found practicable to fulfil the duties of the Indian navy with less than this establishment, and it now consists of four sloops each of 18 guns, three vessels each of 10 guns, and one steamer. This does not include the Hastings, converted into a hulk in the harbour of Bombay, the Aurora, now a floating chapel, the Palinurus, pilot vessel, now employed with the Benares on survey, nor the two old brigs Thetis and Nautilus, which are still in the public employ, though not officered or equipped like those in the regular line of the service; the former having the commodore's flag at Surat, and the latter, which is not commanded by an officer of the Indian navy, being used to carry coal, and for such other purposes as occur when a ship of war is not required.

GENERAL APPENDIX.

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92. The expenses of the Indian navy have been greatly swelled, not only by survey vessels and others, in no way connected with this branch in particular, but by being mixed up with those of the dock yard, naval stores, and the whole supply of timber for Bombay. Separated from these, however, its cost will (by a statement which accompanies this Minute) appear very moderate for an arm of strength which it is so essential to maintain in efficiency, and which, if the means that have been taken are supported, will prove (as I have elsewhere stated) as a local force, useful in any future service the British navy may have to perform in India.

93. The Finance Committee have suggested, and the Supreme Government have recommended, on the grounds of economy, and their view of the actual state of the piratical tribe in the Persian Gulf, the reduction of the Indian navy to two vessels each of 18 guns, one vessel of 10 guns, and one steamer. On the measures which were recommended by the Committee, connected with this reduction, I shall make at present no remark: these embrace details which can only be understood by a perusal of their letter to the Supreme Government, reference to the data on which that is grounded, the letter of the superintendant in answer to the communication of their plan, and my Minute noted in the margin*.

* Minute 28 October 1830.

94. I have, on grounds that cannot I think be controverted, questioned the whole of the data on which the Finance Committee have arrived at the conclusion that trade would be efficiently protected, and our interest not injured, by relaxing our measures to keep down piracy in the Persian Gulf.

95. It is to me clear, that if attention to our pledges of faith, as well as policy, are neglected, and we cease to keep down that predatory spirit which we have suppressed but not yet destroyed, we shall improvidently cast away all the fruits of years of war and expenditure; and that loss of customs and the interruption of commerce, combined with insults and outrages upon our subjects, would soon compel us to have recourse to those expeditions which, without adequate benefits, would early render the measure recommended by the Committee one of increased expense, instead of saving.

96. Since writing the Minute to which I have alluded, I have conversed with some of the most intelligent European agents on the trade with the Gulf of Persia, who inform me that a great portion of the piece goods before sent in English vessels from Calcutta, are now conveyed in small Arab and Indian craft from Bombay, and being at cheaper freight the sale of such articles is increased, while the primary object of Government is answered in gradually reducing predatory tribes, by giving to men and vessels formerly employed in piracy, honest and profitable occupation.

97. This fact, which is satisfactory as showing a cause for the increasing sale of British manufacture, and as tending to change the habits of lawless men, is confessedly contrary to the interests of the owners of British ships formerly occupied in this trade. According to the evidence of Mr. Bruce (now a merchant at Calcutta), these had formerly all that freight which he states is now carried by Arabs. Though this change must be to the advantage of our manufactures, and is an object in which policy and humanity are united, as it tends to reclaim a race of barbarous men to order and civilization, it has, no doubt, in its commercial effects, been injurious to the interest of the port of Calcutta, in the same ratio that it has been beneficial to that of Bombay and to the Arab merchants.

98. On the proposition of the Committee to employ His Majesty's ships of war in many of the services now allotted to the Indian navy, as stated in the 10th paragraph of their report, I have already given my opinion†, that beyond sending or aiding expeditions, that plan cannot be carried into execution without alterations in the naval service of Great Britain and the Government in India which I believe are not likely to take place. It may be urged that this would be more than compensated by the superiority of British vessels of war; but it is my decided opinion that for all purposes except actual fighting His Majesty's ships would be less efficient than those of the Indian navy; they would in fact be hazardous instruments to use for either conciliation or intimidation: perfectly ignorant of the language, customs and manners of those countries, their officers and men would be coming in constant collision with the most cherished feelings and prejudices of the rude inhabitants of the Arabian and Persian shores; and such causes, when combined with the irritability of temper and susceptibility to insult of these people, would be constantly committing our Government and compromising its character. When, in addition to these considerations, due weight is given to the manifold evils and inconveniences likely to arise from divided authority, constant changes, and the youth and inexperience of commanders, and above all, to the baneful and deleterious effects of the climate of the Persian Gulf for many months of the year upon European constitutions, it is impossible to come to any other conclusion than that the constant employment of His Majesty's ships would be attended with any thing but advantage to the public service. I have elsewhere stated my opinion of the progress that may be anticipated in the Indian navy, supposing it maintained (as it ought to be if maintained at all) as a high and honourable service: its merits will early be recognized by His Majesty's navy as fully as those of the Company's army are by the King's troops with whom they serve; its European officers will have the advantage of the continued pursuit of the duties of their profession, and I see no reason why the native part of the crews should not in time be equal in courage and discipline to our native troops on shore.

† Vide Minute, 24th August 1830.

99. On war breaking out these vessels could be soon manned, as they have been before on emergencies occurring, with the whole or greater part of their crews European; and built and fitted out as the vessels of the Indian navy would be, at a port whose resources for equipment of a naval force are not surpassed by any in the world, there is no just ground to assume future inferiority. There has been, I admit, such inferiority, owing to causes that no longer operate, but which the plan recommended by the Committee would restore

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(24.) Extract General Minute of Sir John Malcolm, on Indian Navy; 30 November 1830.

in full force. I therefore trust that if it be adopted the opinion of the superintendant will be acted upon, and that the service in its present state will be abolished, and one of armed packets be substituted.

100. I have on several occasions stated the great importance of having an establishment of steam vessels attached to the Indian navy, both for purposes of war and for keeping up the communication with Europe. There is yet only one steamer in the service, the Hugh Lindsay. There cannot be a finer vesssl for the purpose for which she was built, that of an armed steamer; she has two engines of 80-horse power each, and can carry eight guns, with coals for six or seven days, goes very fast, and against any sea. This vessel, though too expensive and too large to take packets to Suez, has been used for that purpose, and performed the voyage, at a season of the year not the most favourable, in 21 days steaming. She actually steamed, at as high a pressure as could be applied, the first stage to Aden (1,640 miles) in 10 days and 19 hours, and that with a contrary wind; she went when deeply laden with coal five and a half knots, but increased her rate to full nine knots when light.

101. It is the opinion of the superintendant of the Indian navy, and has been transmitted as such to the Honourable the Court of Directors, that a class of small vessels like those employed in packet service from Milford Haven to Ireland, would be the best to keep up the communication with Europe by the Red Sea. This is also, I observe, from his Minute on the subject, the opinion of the Governor-general; and Captain Wilson, the commander of the Hugh Lindsay, on whose judgment, from his full knowledge of the seas and experience of navigation by steam, I would implicitly rely, thinks that a vessel of 270 tons, built more with a view to the capacity of storing coals than very rapid steaming, would make Suez in two stages, taking in coals only at Mocha, where, if she did not draw more than 10 feet, she could be at all seasons in smooth water, and with security against every wind. This voyage would require that she should carry 13 days coals, as it is a distance of 1,780 miles, and cannot be expected to be performed in less than 11 or 12 days.

102. If this quantity of coal cannot be carried, the first stage must be Maculla, and the second Juddah, as at present. These are both excellent ports for shipping coals, as a vessel can lie close to the shore; but having three stages instead of two would cause a delay of at least two days, and with two Captain Wilson calculates that the voyage from Bombay to Suez cannot be performed to a certainty under 25 days. It appears to me that if one of these vessels was kept at Mocha, and had her furnace lighted as another hove in sight, this voyage would be reduced to three weeks, and ample opportunity given to the steamer to put in order or repair any slight injury to the machinery, as well as to procure supplies. With this establishment of packets the communication might be kept up, by vessels sailing every five or six weeks from Bombay and from Suez, nine months of the year; in June, July and August, a steamer would easily come from the Red Sea, but could not return against the violence of the south-west monsoon. There would be a greater advantage in keeping a small steamer at Mocha, from the power the Indian Government would possess of sending on emergency a sailing vessel or boat during five months of the year, which having a fair wind would be certain of that passage in 15 or 16 days.

103. With this number of packets, and another armed steamer, carrying four or six guns, and not drawing more than eight feet water, Bombay would be complete in this essential branch of naval establishment. Besides keeping a rapid communication with Europe by the Red Sea, that by the Persian Gulf would be improved, and we should, beyond ordinary services and putting down piracy, be prepared to give efficient aid in every naval service in India; nor is it being too speculative to suppose that emergencies may arise on which the ready application of this powerful arm of our force on the Indus or the Euphrates might be of the most essential service to the general interests of the empire.

104. To secure all these objects, it is indispensable, in my opinion, that in whatever way steamers are employed in this quarter, they should be exclusively navigated by the Indian navy, for it is of much importance that a scientific knowledge of the engines and of their management should be generally diffused throughout this service. We must not omit the opportunity to form men capable of performing and directing all the duties which belong to such vessels. With the able and intelligent officers this navy can boast, and the number of fine youths it contains, I cannot have a doubt but they will very early attain a proficiency in this line of service that may prove of much consequence to the general interest; and I must further expect, that through the instruction given to European and East Indian boys at the mint and in the steamers, we shall be early independent of those engineers now sent from England at much expense, and who have proved themselves in several cases so unworthy of the liberal treatment and confidence placed in them.

105. Much revision and reduction has taken place in different branches of the Indian navy; an investigation into some irregularities and alleged abuses by subordinate clerks and others, in the Indian naval stores, has led to the nomination of a special committee, which, from the instructions given, will no doubt make a report that will become the ground of a thorough reform and saving of expenditure in a department the state of which has for many years been a subject of just complaint with the Court of Directors.

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Calcutta Civil Finance Committee.

(25.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 19th June 1830.

My Lord,

1. In examining the military disbursements of this presidency for a series of years, our attention was particularly attracted to the amount charged under the head of military stores *, which your Lordship in Council is aware are now included among the items of local expense, being credited per contra as a supply from London; and the estimate for the year 1829-30 not indicating an abatement in the demand at all commensurate with the conclusion to be drawn from the reputed state of the magazines, we communicated with the Military Board and the Accountant-general, in order to ascertain the cause of so large a supply being required. We have the satisfaction of reporting to your Lordship in Council, that from the information which we have received, it appears that the demand for military stores from Europe during the next few years will be very inconsiderable. The large supplies of stores which have of late years been received were procured, it is stated, with the view of furnishing a sufficient stock for the equipment of the army in time of war; and that stock having now been obtained, the future demands on England will be restricted to mere expenditure arising chiefly from wear and tear. We are further informed by the Military Board that no indents for military stores have been made on England for the last two years. The Accountant-general has since reduced the estimated charge under this head to *Rs.* 7,16,328; and he further explains, that though this sum may appear large, yet that it is warranted by the circumstance of a variety of military stores received during the years 1825-26, and 1826-27, not having yet been charged, the supposed value of which should, in his opinion, be included in the estimate of receipts and disbursements, to meet the cost of these articles when the invoices are received.

2. The supplies of military stores from Europe amounted on an average of the last six years to *Rs.* 26,32,500, and under the explanation now furnished by the Military Board, may be expected not to exceed one-third of that sum; being a reduction probably of 17 lacs of rupees, and causing of course a diminution to that extent in the military charges of this presidency.

3. We have considered it proper to bring the circumstance separately to the notice of your Lordship in Council.

4. The principles to be observed in framing the indents of stores required from England appear to have been very fully discussed by the Military Board and by the Honourable the Court of Directors, and on that subject no observations will be expected from us.

† Leathern Accoutrements of all kinds, and Paint.

5. We understand, however, that several articles † which are included in the Bengal indents, are at Madras more economically procured in the country; probably Bengal may have a similar advantage in respect to other articles; and we beg leave to suggest that schedules of all articles of equipment which are so procured may be interchanged between the several presidencies, in order that each may benefit in this matter by the experience of the others.

We have, &c.

(signed) *D. Hill.*
Holt Mackenzie.
John Bax.

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* Military Stores from Europe:

1813–14	-	*Sa. Rs.*	4,57,000	1822–23	-	*Sa. Rs.*	3,50,000
1814–15	-	-	4,43,000	1823–24	-	-	5,11,000
1815–16	-	-	13,17,000	1824–25	-	-	14,72,000
1816–17	-	-	10,88,000	1825–26	-	-	28,53,000
1817–18	-	-	16,00,000	1826–27	-	-	54,17,000
1818–19	-	-	7,06,000	1827–28	-	-	32,51,000
1819–20	-	-	8,92,000	1828–29	-	-	22,91,000
1820–21	-	-	5,32,000	Estimated 1829–30	-	-	29,25,000
1821–22	-	-	22,000				

(26.)—LETTER from the *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 30th July 1830.

(26.) Letter from Committee, on Military Expenditure, Bengal; 30 July 1830.

My Lord,

WE have already had the honour of bringing to the notice of your Lordship in Council the charges incurred on account of military stores procured from Europe, of which the average cost during the past ten years appears to have been *Rs.* 17,95,000*.

2. The following Abstract of a statement received from the Accountant-general will complete the view of the disbursements which the Military Board at this presidency is expected to control, omitting fractions of thousands.

* App. (25.)

DEPARTMENTS.	No. of Years.	Average of past Years.	Charge of 1828-29.
Commissariat:			
Charges for Victualling, &c. H.M. and H.C. Troops	7⅓	46,26,000	42,68,000
Ditto - War Charges	4	8,66,000	7,02,000
Petty Stores supplied to Magazines	7⅓	7,29,000	2,65,000
Charges on account of Foundery	3	20,000	9,000
Ditto - ditto - Gunpowder Agencies	4	22,000	22,000
Ditto - ditto - Gun-carriage ditto	4	1,11,000	8,929
Purchase of Cattle	7⅓	3,74,000	60,895
Supplies to Marine and other Presidencies	7⅓	4,94,000	61,539
Ditto on account of Civil Department	7⅓	86,000	83,000
Sudder Bazaars	7⅓	13,000	22,461
Timber Yards	5	5,96,000	9,00,000
Total Commissariat		79,37,000	64,02,824
Gun-carriage Agencies	10	1,00,000	
Gunpowder ditto	10	88,000	2,31,000
Foundery in Fort William	5	18,000	
Arsenal ditto	10	20,000	
Military Buildings	10	12,95,000	17,50,000
Civil Territorial ditto	10	7,73,000	11,77,000
Ditto Commercial ditto	7	3,23,000	6,89,975
Add,		1,05,54,000	1,02,50,799
Stores received for Europe	10	17,59,000	22,91,000
		1,23,13,000	1,25,41,799

These sums, it may be proper to remark, are exclusive of the heavy expenses incurred annually on account of the departments under the Board of Superintendence, but of which, until certain information which we have called for shall have been received, it is not practicable to say what proportion is a real charge, and what nominal.

3. The statement entered above is sufficient to show, that for the equipment of the army and other purposes, in regard to which the Government repose upon the care of the Military Board, the expenses incurred are such as to make it of the highest importance, financially speaking, to secure every possible economy. It is not less a matter of great moment for Government to see that its military arrangements are not crippled by an injudicious parsimony, or by an unskilful distribution of its means of equipment.

4. The papers we have read connected with the subject appear to us abundantly to evince, that under the existing system there is no adequate security either for economy or efficiency. The Military Board disavow, in a great measure, the responsibility which ought to belong to them; and we are given to understand by their secretary himself, that it would not be difficult to show, that in each of the principal departments under them, the Commissariat, the Ordnance, and the Building department, many lacs of rupees have been yearly lost through defective management.

5. What measures should be taken to remedy the evil, whether a new Board should be instituted, or existing establishments differently arranged, are questions of which we could not undertake the solution without a long and minute inquiry; and as we are aware that the subject has long been under the consideration of your Lordship, we should probably be mis-spending our labour in entering on the investigation; but we can have no hesitation in declaring our conviction that some change is essentially necessary.

6. We respectfully take this occasion of soliciting instructions as to what branches of military expenditure it is the wish of your Lordship in Council that we should inquire into, and in what order of preference.

We have, &c.

(signed) *D. Hill.*
Holt Mackenzie.
John Bax.

III.

(27.)—LETTER from *Calcutta* Civil Finance Committee to the Governor-general in Council at *Bengal*, dated 28 June 1830.

Calcutta Civil Finance Committee.

My Lord,

1. In pursuance of the intention notified in our report bearing date the 5th ultimo, we have the honour to bring under the consideration of your Lordship in Council the expense incurred on account of the Supreme Courts of Justice at the three presidencies, in the year 1829, compared with its amount in 1823.

In the year 1829 the fixed charge was as follows:

	Rupees.	
Bengal - - - - -	3,83,120	
Madras - - - - -	2,78,056	
Bombay - - - - -	2,93,874	
		9,55,050
In the year 1823:		
Bengal - - - - -	3,76,568	
Madras - - - - -	2,45,334	
Bombay - - - - -	1,27,322	
		7,49,224
Excess in the year 1829 - -		2,05,826

Of this excess the main part has arisen from the institution of a Supreme Court at Bombay, instead of a Recorder's Court, since the year 1823, and from an addition made to the salaries of the judges at Madras and Bombay.

2. We trust that we do not exceed the limits of propriety or of our authority in suggesting for the consideration of those who are qualified to form a conclusive judgment on the question, whether the extent of judicial business at the two subordinate presidencies makes it necessary that they should maintain Supreme Courts composed of three judges; and if not necessary, whether in the straitened state of the Company's finances this do not form a fair subject of retrenchment. The Supreme Court at this presidency has of its own motion transmitted to the Government the statement of its business and establishments, which were called for by the authorities at home, but we believe that no such statements have been furnished to the Governments of the other presidencies, and we do not understand that we can have recourse to any means of obtaining them; nor, if furnished, is it likely that they would afford to unprofessional persons data for any conclusive judgment beyond what we are justified in forming from notorious facts: from these we are led to believe that the quantity of business to be performed at Madras and at Bombay is not more than sufficient to give employment to a single judge, and that a larger establishment is also out of proportion to the value of the property usually at stake before the court. Our opinion therefore is, that a single judge at each of the subordinate presidencies would prove fully adequate to all the duty with which the Supreme Courts are charged.

3. It will belong to others to say whether these judges should have any and what coadjutors, as in the former recorder's courts.

4. With the view of making immediate provision for any vacancy in the courts at Madras or Bombay, we take the liberty to suggest further, that the Government of each presidency, as on the island of Ceylon, ought to have authority on the occurrence of such vacancy to select a barrister to officiate as judge until the vacancy should be supplied either temporarily from Bengal or permanently from England.

5. If Bengal is to supply such vacancies it will probably be necessary to add a fourth judge to the Supreme Court here, and at any rate we see no reason to suggest any reduction in the number of the judges belonging to that court. Whether its jurisdiction might be expediently modified, and a single judge appointed for the less important part of the business originating within the Mahratta Ditch, is a question that has occurred to us, but is one on which we do not feel ourselves competent to offer an opinion: no such change appears to be likely to be attended with an immediate saving of expense, though it may possibly be hereafter found necessary, in order to prevent an increase.

6. We presume the large amount of the emoluments drawn by some of the officers of the court will attract the attention of the home authorities; and should the fees not be deemed burthensome upon the suitors, it will deserve consideration whether a portion at least of the amount should not be applied to the relief of the finances.

7. If the foregoing suggestions were found worthy of adoption, a reduction of four judges and their establishments would be effected at the subordinate presidencies: and though one judge might have to be added to the court in Calcutta, there would still result a saving in the salaries of judges alone of *Rs.* 1,40,000 per annum, besides eventual retiring pensions, and the cost of the establishments to be reduced.

* *Rs.* 1,66,552.

† Excess *Rs.* 15,818.

8. Adverting to the excess * in the present charge of the court at Bombay above its amount in 1823, we beg leave to state that the charge also exceeds † that of the court of Madras, by which it was intended, in the constitution of the former court, to be regulated. With reference to the observations contained in a despatch from the Honourable the Court of Directors dated the 8th March 1826, an extract of which is annexed, we have the honour to submit a comparative statement, exhibiting in detail the establishments of these courts, which may probably enable the judges of the former court to effect some reduction in its establishment. It will serve to show your Lordship in Council the progressive increase of the expenses of the Supreme Courts, inclusive of the sheriff's and coroner's offices, and of law

law and other charges connected therewith, as well as their comparative amount at the three presidencies, to subjoin the following Abstract, taken from a statement of the annual charge for the last six years, with which the Accountant-general has been good enough to furnish us:

(27.) Letter from Committee, on Expense of the Supreme Courts of Judicature; 28 June 1830.

	1823–24.	1824–25.	1825–26.	1826–27.	1827–28.	1828–29.
Fort William -	3,91,239	4,28,036	3,91,416	4,67,578	4,41,201	4,75,086
Fort St. George	2,69,350	2,62,773	2,50,711	3,05,762	3,08,700	3,28,612
Bombay - -	2,11,579	2,85,500	4,11,037	4,00,226	3,68,399	3,89,831
Total *Rs.*	8,72,168	9,76,309	10,53,164	11,73,566	11,18,300	11,93,529

We have the honour to be, &c.

(signed) *D. Hill.*
Holt Mackenzie.
John Bax.

(28.)—LETTER from the *Calcutta* Civil Finance Committee to the Vice-President in Council at *Bengal*, dated 25th November 1830.

(28.) Letter from Committee on Allowances for Head Native Servants; 25 November 1830.

Honourable Sir,

1. In the 72d para. of our report relative to the Bengal establishment*, dated the 12th July last, we intimated the intention of submitting our sentiments on the means of providing suitable allowances for the head native officers of the collectors and magistrates, without any addition to the public expenses; and we now beg leave to submit to Government the means by which it appears to us that that object may be fulfilled, assuming that the arrangements suggested in the above-mentioned report will, as fit opportunities offer, be gradually carried into effect.

* App. (22.)

2. On the abolition of the situation of registrar, the establishments entertained by those officers may be discharged, and the union of the offices of magistrate and collector will, we conceive, render it easily practicable to effect considerable reductions, as follows:—The establishments of the two departments being no further kept distinct than is necessary for the regular transaction of public business, a sheristadar and deputy may take the place of the two sheristadars; and the podars of the magistrates, the nazir, naib nazir, moollahs and gunga jullees of the several collectors, with a moiety of the peons and menials attached to their sudder office, may, we are of opinion, be dispensed with. In those places, too, where distinct establishments are entertained for the Custom department *, similar and greater retrenchments may, we conceive, be effected; and assuming that the magistrates and collectors will not be required to try summary suits between individuals, we presume that the establishments now entertained by some of the collectors, to aid them in the trial of those suits, and in other judicial duties, may be discharged: even, indeed, although the judicial duties of the collectors were to be continued as at present, we should not consider it necessary to maintain the establishments in question.

3. We should thus have the following sums available for the remuneration of the sheristadars and deputy-sheristadars of the magistrates and collectors, and joint magistrates and deputy-collectors, viz.:

Dewanny

*	English Clerks.	Persian Office.	Treasury.	Peons and Menials.	TOTAL.
Dacca - - - - -	120	50	40	30	240
Hooghly - - - - -	14	15	25	19	73(*a*)
Moorshedabad - - - -	122	55	40	45	262
Patna - - - - -	180	60	50	59	349
Allahabad (*b*) - - - -	55	75	30	58	218
Bareilly - - - - -	70	60	30	58	218
Cawnpore - - - - -	140	75	30	64	309
Furruckabad - - - -	80	75	30	85	270
Agra - - - - -	180	90	30	44	244
Meerut - - - - -	70	75	30	48	223
Delhi - - - - -	380	50	- -	36	466
	1,411	680	335	546	2,972

(*a*) Already the collector has reduced nearly 300 rupees per annum.

(*b*) We omit Mirzapore, Benares and Ghazeepore, to provide an establishment for the new office at the first-mentioned place.

	Per Mensem.
Dewanny establishments of registrars	8,411
Foujdarry sheristadars and podars	3,693
Revenue sheristadars	4,895
Ditto nazirs, naibs, swearers, with a moiety of peons and menials	4,552
Collectors' judicial establishments	702
Custom-house reductions, as above	2,972
	25,225

4. To this sum a considerable addition may be made by remodelling the allowances of the tehsildars. In the salaries of those officers great inequalities appear to prevail, often without, and sometimes against reason, as applicable to the existing circumstances, which of course, in many instances differs essentially from the condition of things that prevailed when they were originally fixed. They vary from *Rs.* 100 to *Rs.* 300 per mensem, being in several cases higher than seems to us to be necessary; and the general average will also admit of some reduction, if we introduce in respect to them, as well as the sheristadars, the plan of increasing pay according to length of meritorious service. This arrangement, from which other benefits will ensue, it may be advisable to effect, not by an absolute rule that a given number of years' servitude shall entitle the individual to a given sum, but by distributing the officers in question into classes, and providing that they shall be promoted in order of standing, unless when the superior authorities shall see fit to direct otherwise, with reference to the merits and qualifications of the candidates. The tehsildars now employed within the provinces embraced by our report *, above referred to, are 187 in number, who receive an aggregate allowance of *Rs.* 27,630 per mensem, or on an average about *Rs.* 147 each; but if they were distributed into classes, as specified below †, so as to receive on an average salaries of about *Rs.* 110, they would, we think, be more suitably provided for, and the aggregate of their monthly allowances would then amount to *Rs.* 20,720, or *Rs.* 6,910 less than the amount now disbursed.

* Dated 12th July 1830. App. (22.)

5. Adding this amount to the sum above mentioned (*Rs.* 25,225), we have a total fund of *Rs.* 32,135, to meet the charge to be incurred on account of the sheristadars and their deputies.

6. Now to the sheristadars of collectors and magistrates, we would propose to assign salaries averaging *Rs.* 350 per mensem; and though the management of the land revenue is of course much more important and difficult in the unsettled districts, yet, considering the populousness of the provinces permanently settled, the large amount of the miscellaneous revenue therein realized, and the other duties of the collectors and magistrates, it seems to be expedient to have one scale for the whole.

7. To the sheristadars of the sub-collectors and joint magistrates, salaries of *Rs.* 250 per mensem, and to the deputy-sheristadars *Rs.* 60, might appropriately be assigned; and for neither of these does it appear necessary to have a graduated scale of allowance, since, if deserving, they will of course be promoted to the higher situations in the department. The sheristadars might be divided into the three following classes:

First class to receive	500 rupees a month.
Second	350
Third	200

8. If these suggestions be adopted the aggregate monthly charge will be *Rs.* 28,960, as specified below ‡, being *Rs.* 3,175 less than the amount above shown to be available for the purpose.

9. Among

†

First Class $\frac{1}{10}$th	18 × 200 =	3,600
Second Class $\frac{2}{10}$ths	36 × 150 =	5,400
Third Class $\frac{3}{10}$ths	54 × 100 =	5,400
Fourth Class $\frac{4}{10}$ths and the odd number	79 × 80 =	6,320
	187	20,720

‡

Sheristadars to Collectors and Magistrates, First Class	18 × 500 =	9,000
Second Class	18 × 350 =	6,300
Third Class	18 × 200 =	3,600
	54 × 350 =	18,900
Sheristadars to Joint Magistrates and Sub-Collectors	22 × 250 =	5,500
Deputy Sheristadars	75 × 60 =	4,500
		28,960

9. Among the savings * for which credit was taken in our report of the 12th July, there was an item of *Rs.* 699, on account of the establishments of registers. The arrangements now submitted give, therefore, a further retrenchment of *Rs.* 2,476 per mensem, or per annum *Rs.* 29,712; but as they involve details connected with a very great many offices, on the heads of which the execution of them must mainly depend, and as in constituting new offices, or in modifying the duties of old offices, there always arise occasions of expense that cannot be clearly foreseen, we do not assume that result as of certain attainment; and in carrying these suggestions into effect we beg to recommend that Government should only give its sanction to that part of the plan which goes to raise the emoluments of the native officers, according as the local officers may distinctly show that the savings necessary to meet the charge have been effected.

(28) Letter from Committee, on Allowances for Head Native Servants; 25 November 1830.

10. It appears to us, indeed, that one of the most essential of the reforms in the revenue establishments at this presidency, is to place the head native officers of collectorships on a respectable footing in regard to salary; and under ordinary circumstances it seems to us that it would be advisable for the Government to take measures for that purpose, though they had involved a considerable increase of charge; but the exigencies of the present period require that the rule against increase, not covered by retrenchment, should prevail; and under any circumstances we should not have proposed that the arrangements now suggested should take place all at once. In many cases the incumbents must have a title to consideration which it would be harsh and unjust to disregard by an immediate retrenchment; but a considerable part of the establishments above referred to may doubtless be immediately discharged or reduced, and as vacancies occur in the situations marked for reduction, the new men should be brought in on allowances of the lowest class. Then, according as the fund accumulates, the sheristadars should, in the order of seniority, be raised, first to the second, and afterwards to the first class, always supposing that they are really efficient men, and that the controlling authorities take care to prevent abuse of patronage, while they support the proper authority of the heads of offices.

We have the honour to be, &c.

(signed) *D. Hill.*
H. Mackenzie.
John Bax.

(29.)—LETTER from the *Calcutta* Civil Finance Committee to the Vice-president in Council at *Bengal*; dated 13th December 1830.

(29.) Letter from Committee, on Individual Agency for Collective Boards; 13 December 1830.

Honourable Sir,

WE purpose on this occasion to fulfil the design intimated in our letter, under date the 25th October last, of submitting a separate Report on the question how far the agency of individuals could be advantageously substituted for that of collective Boards. For this purpose it does not seem necessary that we should enter into any detailed description of the functions assigned to the several Boards, these being fully explained in the Regulations and Orders of Government, but we insert below a statement of charges for these establishments at the three presidencies † to which our observations are intended to apply. In this

	Per Mensem.	Per Annum.
* Saving shown in paragraph 3	25,225	
Ditto - - in paragraph 4	6,910	
Total	32,135	
Proposed Salaries of Sheristadars	28,960	
Difference	3,175	
Deduct Amount previously taken Credit for	699	
Net Saving	2,476	29,712

† BENGAL BOARDS:		
Revenue	3,05,859	
Customs, Salt, Opium	2,47,710	
Marine	44,880	
		5,98,449
MADRAS BOARDS:		
Revenue	2,75,560	
Marine	4,622	
		2,80,182
Total		8,78,631

III.

Calcutta Civil Finance Committee.

this statement the Military Boards are not included, because the Board at this presidency has been remodelled by the General Orders of the 26th ultimo, and the Board at Madras is understood to be under the consideration of the Right Honourable the Governor-general; and at Bombay the Military (as well as the Marine Board) has been recently abolished. We have likewise omitted the Board of Trade in Bengal, and the Medical Boards at the three presidencies, each of the establishments appearing to stand on distinct grounds, and the expense of the one being charged to the Commercial, and that of the other to the Military department.

2. You will have observed, Honourable Sir, by the documents accompanying our letter above referred to, that the present question has already undergone some discussion in our committee, and the Honourable Court of Directors, in their dispatch to the Supreme Government of the 18th of February 1829, adverting to the increase which has taken place of late years in the number of controlling Boards under this Government, and in the number of members composing them, have introduced some remarks on the present subject, which, for the sake of convenient reference, we shall repeat here. They observe (para. 65), "connected with the duties of superintendence is an important general question, namely, whether Boards are the fittest instruments either of improvement or control, and whether both objects might not be more effectually attained by individual agency. It is a common but trite observation, that responsibility is lessened by being divided, and there is, we believe, no doubt that more business can be done by the same number of persons acting separately than in conjunction. If the business of your Revenue Boards is now divided, and a distinct portion allotted to each member, then the utility of such division is already practically admitted, and the Board may be deemed to exist principally for the purpose of receiving collectively praise or blame for measures, the merit or demerit of which belongs exclusively to one of its members. If the business is not divided it can hardly fail to be impeded in its course by incompatible tempers, conflicting opinions, and the frequent occurrence of useless discussions. We feel no disposition to underrate the benefits which may sometimes be derived from a free communication of sentiments between persons possessing different opportunities of experience and various kinds of information, associated by station, and animated by the same zeal for the public good; nor do we overlook the consideration that where great interests are at stake and important trusts reposed, it is not always expedient that they should be committed to the intelligence and probity of a single individual, even under the check of subordinate functionaries. But we nevertheless think it deserving of mature consideration on which side the balance of advantage upon the whole preponderates."

3. In estimating the relative merits of the agency of collective Boards and of individuals, there are certain advantages usually ascribed to the former system, which, if admitted to be found in it, weigh considerably in its favour. These advantages are said to consist in the opportunity which it affords of a free interchange of opinions between persons possessing various kinds of information; in the means it offers for the correction of errors and oversights; in the security it gives that prejudice or passion will not influence its proceedings; and in the prospect it holds out of steadiness and consistency in all measures within the range of its control.

4. How far the foregoing advantages are justly claimed for the system of Boards, appears to us however to be more than questionable, for without instituting an invidious scrutiny into the actual detailed management of each, we are led by experience and observation to the conclusion that the existence of these advantages is rather imaginary than real. We observe, that in several cases the members of the Revenue Boards at this presidency have transacted business separately, and resided in different places. In all instances in which special deputations have been thought necessary (and these are generally ordered with a view to matters of importance), the agency of individuals has been preferred; and in point of fact it will generally, we believe, be found in practice, either that a particular branch of the business is done by each of the members separately, or that one member of preponderating talent or activity, or the secretary, performs the whole. In cases that are simple in their issues, and easy of determination, a collective body may indeed act together, but for such cases it would surely be unreasonable to provide so cumbrous and expensive a machinery; and in cases of intricacy and difficulty it can rarely happen in a body not influenced by party spirit that more than one will so master the facts as to be fully qualified to form a competent judgment. Supposing, therefore, a Board to consist of gentlemen equal in talents and qualifications, and possessing that mutual respect and deference which would arise out of such equality, we have little or no doubt that practically they would establish as complete a separation of functions as if each acted for himself, and that interchange of opinion would extend no further than what every able and candid man is likely to hold with his inferiors and superiors, as well as with parties interested and others not officially connected with him.

5. No rules or restrictions can enforce real deliberation and concert, and it must therefore, we apprehend, be vain to attempt to prevent the above results in collective bodies when most happily constituted. But still more mischievous consequences must, we apprehend, result when there is neither the preponderance or mutual deference to which we have alluded; and when those differences, disputes and compromises which are to be expected among men acting each on his own view, with very different degrees of knowledge and talent, must necessarily be of frequent occurrence. Further, it seems to us to be almost certain that the selection of members for collective bodies will often be less careful and judicious than that of individual functionaries; for so long as one able member or secretary are maintained at a Board, the presence of an inefficient person will be overlooked and produce little apprehension of evil on the part of the Government. It is not therefore to be ordinarily

narily expected that the choice of a member will be such as to bring to the aid of his colleagues that proportion of talent, temper and information which is requisite to render his association with them productive of public advantage; and we are satisfied that numerous instances could be cited in which an increase of members has proved anything but an addition to the zeal, efficiency and influence of the body.

6. We can readily understand that the several members of a Board, if influenced by contending passions of party or other prejudice, might afford some security, each against the errors and oversights of his fellows, but the object would be dearly purchased by the evils that must flow from such a state of feeling, and when acting cordially together, it will rarely or ever happen that the members will not confide in each other upon almost all the points of fact, in regard to which errors and oversights are likely to occur; even supposing the purpose of preventing them, further than will be done by subordinate officers, to be much more important than it really is.

7. With the views which we entertain as to the mode in which the business of collective Boards is likely to be conducted, we confess we see little reason to anticipate that their measures will be more free from unsteadiness, inconsistency, and the influence of hurtful passion and prejudice, than those of individuals. On the contrary, just in proportion as they depart from the principle of individual agency, we should fear the prevalence of those defects, because there will be wanting the check of individual responsibility, and the accession of each new member, if he meddle with the functions of his fellows, will introduce into the whole body the elements of change and vacillation.

8. It may be urged, that the effects we have above noticed, apply to the manner in which most Boards have been constituted, and not to the system itself; but if experience establishes, as we think it does, that these defects are inherent in the system, and unsusceptible of practical remedy, and that the best-constituted Boards are those in which each member singly undertakes the portion of business with which he is most conversant, the advantage of maintaining such expensive instruments of control must be admitted to be theoretical. We do not intend altogether to deny the general advantages of oral discussion, but we cannot rate it very high in the case of Boards, nay, we are disposed to think that where employed in matters of much interest and importance, it leads oftener to disputes or injurious compromises than to beneficial results, and the advantage in trifling cases is surely purchased at too high a price.

9. We are also free to acknowledge that in cases in which the main duty of the Board is the control of functionaries whose acts and arrangements are likely to affect, exclusively or chiefly, the interests of the Government, or in which it has to authorize or superintend large disbursements, involving much matter of discretion, there do exist strong reasons for desiring to confide the function to more than one individual. But such does not appear to be the nature of the duties that chiefly occupy the Boards to which we now refer; and it is almost too plain for remark, how much must be lost in the quantity of business done by employing the agency of a collective body, a consideration which it is important to keep especially in view, when discussing the expediency of maintaining establishments whose frequent interposition is called for in the conduct of ordinary business, or in the decision of individual cases of common occurrence, such as are the Boards in question.

10. But the principal objection to Boards, and especially to those which are not solely or chiefly used as checks upon the conduct of others, is, exclusive of the expense, the absence of clear and direct responsibility; for whilst on the one hand, the desire of praise operates in a less degree upon the members of a Board, than on an individual; so on the other, the checks and control created by the apprehension of blame, act weakly where the stigma of reproof does not attach to one, but is divided amongst many.

11. The usual and most specious argument adduced against the agency of individuals, as a directing and controlling authority, is founded on the inexpediency of committing important interests and trusts to the probity and intelligence of a single person; but this objection cannot in the present case be considered to apply, for, as before observed, the real power generally belongs to one member of a Board, or to the secretary, which is exercised without the check of individual responsibility, so that the system which is preferred as a security is in truth most open to abuse; and it must be recollected that the check of the controlling and the subordinate authority is mutual, for constituted as the civil service in India is, both have the privilege and duty of accounting for their acts.

12. It is supposed, perhaps, that a collective body is able to exert a more vigorous control, and with less of personal feeling than an individual. We do not think that experience justifies the notion, but we cannot better convey our sentiments on this point, than in quoting the following passage from the Minute of the second member of our committee, which is already on the records of Government: "Where single officers have been employed, there has been not only more energy, care and consideration, on the part of the controlling authority, but more ready obedience and hearty co-operation in the subordinates. The former, indeed, must in such a case, feel the responsibility attaching to him, in a degree that can never be looked for in collective bodies. He will pursue his plans without being compelled to mutilate them in order to meet the scruples of less-informed colleagues, or to neglect them in attending to foreign matter. In differing from his subordinates, a single functionary will ordinarily be careful, as far as his judgment goes, to have the right side of the question. He will convey the expression of his dissent, in terms the least likely to offend, because, acting singly, he will always be alive to the probability of offence. In proportion to the interest which he takes in the successful administration of the affairs entrusted to him, (and, on this score, the individual with undivided praise and blame has infinitely the advantage), he will exert himself to guide and aid, and conciliate

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those who have to execute his orders. He will thus have every inducement to make the most of good men without any countervailing motive for sheltering the bad. He will understand clearly, and therefore state his views distinctly, free from the doubts that beset the half measures into which collective bodies are always more or less liable to slide. What he does will be his own, without any opening for counteraction, excepting by a distinct reference to superior authority; whereas, in a collective body the efficient member is often considered by those under him, sometimes by his colleagues, as an usurper of powers which he is not entitled, or at least not required to exercise, and the discipline of their subordinates is sacrificed, even when there is no plea of jealousy and intrigue, because they oppose the energy of individual excitement to the comparatively languid interest with which the common concerns of a co-operation are usually regarded."

Minute, 5 April 1828.

13. On referring to the proceedings of Government in 1828, relative to the mode in which the business of the Board of Revenue in the Western Provinces was transacted, it is satisfactory to find that the principles which we advocate were then supported. The third member of the Council observed, on that occasion: "I am not of opinion that the business of the Board will be better done by the congregating of the members, or so well as by their separate employment in distinct divisions of territory;" and although the same opinion was not held by the other members, yet it was admitted that "if Government could place full reliance on the judgment, knowledge, zeal and conciliatory disposition of each member of Boards or superior courts, it would be expedient to entrust to each of those members undivided authority and control over a defined tract of country, in preference to the system then in force." The subsequent substitution of Commissioners of Revenue and Circuit for the Boards of Revenue may, to a certain extent, be considered a practical admission in favour of individual agency; and we are quite satisfied that if the Government cannot find, throughout its extensive field for selection an adequate number of competent and upright functionaries, for the purpose of efficient superintendence and control over executive officers by individual agency, the attempt to effect the object by associating together as Boards the competent and incompetent, must be still more liable to miscarry. Entertaining these sentiments, we are led to the conviction, that the public interests would be essentially promoted by substituting universally single commissioners for collective Boards, acting under the immediate control of Government in the superintendence of the officers employed in the civil administration of the country, and we shall now proceed to apply the principle to each of the Boards contemplated in this Report, assuming for the Judicial department the scheme of establishments which our committee has already had the honour to recommend.

14. The Sudder, or head Board of Revenue in Bengal, consists of three members, for whom we should propose to substitute two Sudder or head Commissioners of Revenue, viz. one for the Upper and another for the Lower Provinces; and having had the advantage of communicating on the subject with Mr. W. W. Bird, we are happy to find that the experience he has had in the Sudder Board of Revenue, of which he is now in charge, leads him fully to concur with us in opinion, so far as concerns the provinces subject to his authority. The commissioners should possess all the powers and functions of the present Sudder Board, drawing the same allowance as is assigned to members of that Board, and to each of them we should propose to attach a secretary or assistant, on a salary of *Rs.* 18,000 per annum. Should the territories subordinate to the presidency of Bengal be eventually placed under two distinct Governments, it seems to us that the office of Sudder Commissioner for the Lower Provinces would not be necessary, but that the Government at Calcutta ought to correspond through its secretary with the several local commissioners in that part of the country.

15. The Board of Customs, Salt and Opium consists of two members, and was instituted in 1819, previously to which period the control of the Custom department was vested in the Board of Revenue, and that of the Salt and Opium in the Board of Trade. The union which Government has recently directed in the interior of the executive duties of the land revenue branch with those of the customs, seems to render it highly desirable that the Sudder Commissioners of Revenue, proposed to be appointed in the preceding paragraph, should, with exception of the Calcutta Custom-house, be charged with the superintendence of the department of customs within their respective divisions. They might also, we conceive, advantageously exercise the appellate jurisdiction in regard to offences against the revenue which now belongs to the Board; and, with this exception, the management of the Salt and Opium departments, with the control of the Custom-house of Calcutta, should, we think, be placed in the hands of a single commissioner, on a salary of Sonat rupees 52,200 (with an assistant, on a salary of *Rs.* 18,000), to whom Government might also commit, as at present, the superintendence of the stamps, and the abkarry, and of such other miscellaneous sources of revenue as appeared desirable.

Resolution of Government; dated 24 August.

16. The Marine Board is composed of the same members as the Board of Customs, Salt and Opium, with a separate secretary, who is ordinarily a professional gentleman, and whose functions we formerly proposed to assign to the ordinary secretary to the latter Board, an arrangement which was not adopted, "owing," as it was stated, "to the members of the Marine Board having to perform various duties altogether foreign to their habits and education as civil servants," and therefore requiring the assistance of a scientific officer. The Honourable Court, in their dispatch of the 18th of February 1829, wherein the origin and progress of the several Boards are fully described, suggests (para. 94), "if three members be allotted to the presidency Revenue Board, that it should be vested with the superintendence of the salt, opium and customs, and that the Marine Board might be dispensed with altogether by transferring part of their duties to the master attendant, and contriving a new

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(29.) Letter from Committee, on Individual Agency for Collective Boards; 13 December 1830.

a new arrangement of the Pilot establishment, on the principle, that instead of being, as it is now, a heavy expense to Government, it ought to be chargeable to the general commerce of the country." In our report of the 13th of August 1829 we suggested the assignment of an enlarged authority to the Master attendant, by which the Marine Board would be relieved from various detailed duties, and it occurs to us that the Military Board is the most convenient authority in which the control of the Marine department can be vested, especially since stipendiary members have been attached to that Board. The necessity of keeping distinct the controlling and executive branches is obvious; and considering the frequent occasions on which the Military and Marine departments communicate with each other, we think that much convenience and more efficiency will result from adopting this than from continuing the present arrangement.

17. The marine affairs at Madras cannot, we think, be of such an extent as to require the superintendence of a separate Board, consisting of a member of council, the commercial superintendant, and the master attendant; and although no salary is assigned to any of the members, or to the secretary, under the head of Marine Board-office, yet in other departments a larger salary is probably attached to some of them in consideration of this duty. The master attendant, for instance, (who being a member of the Board, is both a controlling and executive officer,) has a salary in that capacity of *Rs.* 2,275 per mensem; and the secretary has a salary of *Rs.* 1,429 per mensem, exclusive of commission, (averaging *Rs.* 628 per mensem), in the Commercial department, of which one-half was formerly charged to the Marine department. The controlling authority in the Marine department at Madras can be exercised, we should think, by the Government itself, aided by one of its secretaries, and we accordingly recommend the abolition of the Marine Board and its establishment, at that presidency.

18. The Revenue Board at Madras is the only remaining establishment of the description under review, which requires to be noticed, and by a Minute of our senior member, now before Government, you will have observed, honourable Sir, that he is favourable to its continuance, and has assigned the following grounds for his opinion:—

"A Board of three or four members is not merely three or four individuals doing the same thing, instead of its being done by one. They not only correct each other's oversights and temper each other's feelings, but they often supply each other's defects, by bringing varied qualifications and resources to their task. Accordingly I have seldom, if ever, known any intricate subject under the consideration of a well-composed collective body, upon which, in the course of their deliberations, each member did not materially and sincerely modify his original views. Indeed all human experience confirms the maxim that in council there is wisdom. In executive measures activity and promptitude are of vital importance; but in a superintending and controlling authority they may be too closely allied to an overbearing and intermeddling disposition, and valuable as they are whenever all depends upon the energy and exertion of the moment, it is true, also, that under an organized and settled system the *vis inertiæ* is not without virtue. Moreover, the views and proceedings of a collective body are not perceptibly or speedily affected by changes among its individual members. There is no demise of a Board, and its measures acquire a steadiness and stability which cannot belong to those of successive commissioners. This steadiness becomes of infinitely more value when a Board is viewed not merely as superintending the officers of Government, but as advising, and sometimes restraining, the Government itself. An individual commissioner acting in the same capacity would be liable to be at total variance with his immediate predecessor, and (what would be a much greater evil in such a system as ours) might, by deference to views entertained in the highest quarters, and by means of personal intercourse, be brought to support, or even to suggest measures, against which, as a member of a Board, influenced only by such considerations as would appear upon record, and fortified by the concurrence of his colleagues, he would not have failed to remonstrate. One of the few securities we have for permanence in any of our arrangements would be taken away, if Boards and Courts were universally supplanted by individual commissioners. App. (12.)

"Applying the general question to the Madras Board of Revenue, I conceive that the benefit of a greater degree of individual agency and responsibility might be obtained by a division of the ordinary duties of the Board among its several members, and by frequent circuits of inspection. But that benefit would be purchased at much too high a price if it cost the existence of an institution, which has never failed to comprise some of the best talents and most valuable experience of the public service, and to prove itself capable of presenting to its superiors the soundest and most enlightened views regarding the condition of the people, the resources of every part of the country and the science of good government. As a body, the Madras Board of Revenue has by its services deserved a better fate than to be dissolved: but if it were otherwise, and if the incapacity of one or more of its members lay like an incubus upon the efficiency of the rest, I do not see how the evil would be cured by dispersing them, with their very unequal qualifications, to undertake equal duties, and to exercise co-ordinate authority within separate spheres of jurisdiction. The incapable members could not be expected to become efficient commissioners. The only evils which the dispersion of the members of a board seems calculated to remedy, are those of its business falling in arrear from its having too much to do, or of its failing to take a proper interest in its duties from the languid feeling of divided responsibility. There is no pretence for imputing the latter evil to the Madras Board of Revenue, and if the former exists in any degree, I trust that it may be remedied by some less violent and injurious measure than the dissolution of the Board.

"Commissioners of Revenue, in lieu of the Board, would merely be principal collectors, ab-

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solved from executive duties, and deprived of the practical experience and minute and intimate knowledge which can only be gained in the course of discharging them, and at the same time vested with superintendence over much wider extent, and therefore with weaker effect than at present. To place the present collectors and principal collectors under the immediate eye of such commissioners without responsible duties, but with absolute discretionary authority to issue orders to their servants and to interfere with their arrangements, would degrade the most valuable local officer of the Madras Government into another person's deputy, and both damp his zeal and diminish his sense of responsibility. Such subordination of authority, without corresponding superiority of talent, experience or duty, would produce uniform disgust and frequent alteration. Even when bad feeling did not arise towards the commissioner, it could not fail to be excited towards his native establishment. Besides, the constant changes of commissioners, some of them permanent and some temporary, would lead unavoidably to constant changes or suspensions in the system of revenue management, so that the same system would seldom be actively pursued in any district for a few years together. After all, too, the substantial authority in a district must necessarily remain in the hands of the officer charged with responsible duties, and cannot in effect be transferred to any other officer merely exercising supervision over him. The local officer may be aided and stimulated in the discharge of his duty, or he may be thwarted and crippled; but it is upon his exertion that the welfare of the district must depend, and his superior cannot serve the purpose of his substitute. It would therefore be a radical mistake to improve the controlling part of our system at the expense of the operative, even if there were full reason to be convinced that the alterations were improvements.

"If it be supposed that the cases of malversation which elude the discovery of a Board would be detected by a commissioner, I believe that there has been no want of previous general information in any case of the kind which has occurred under the Madras presidency; but that tenderness for the individual, or false delicacy, or aversion to stand forward as accuser, motives which are as likely to influence commissioners or other public officers, and the influence of which may be, and I expect will be, overcome by the Board of Revenue as effectually as by a commissioner, have prevented the suspicions which it excited from being acted upon.

"I am quite sure that without the aid of the Board of Revenue, the Madras Government would be incapable of superintending the proceedings of the commissioners and collectors under them with due effect, unless it took upon itself a great portion of the duty now performed by the Board of Revenue, and for that purpose greatly increased its establishment, both European and native. It certainly is essential to the efficient discharge of the functions of Government not to add to the details with which the Governor in Council is already incumbered, and any reform calculated to be attended with that inconvenience must necessarily prove fallacious."

19. Mr. Hill has further remarked as follows: "I am confirmed in the desire to follow this cautious course of proceeding, and to avoid unnecessary innovation, by the success which has attended the system of civil administration actually in force at Madras. It has been successful according to all the tests by which it can be fairly tried. The statement below *, for 20 years, during which there has been no accession of territory to that presidency, shows that the revenue has been collected with surprising regularity. In that long period there is only one year in which the collections exceed the average by 8 per cent. They

* Actual Collections of Revenue in the Districts under the Presidency of Fort St. George, for 20 Years, averaging Rupees 4,23,11,100.

YEARS	REVENUES.	Per Centage, above or below Average.
1808–9	4,09,30,000	3 4 2
1809–10	4,04,33,000	4 7 –
1810–11	4,20,21,000	– 10 11
1811–12	3,98,38,000	5 13 6
1812–13	4,01,98,000	4 15 11
1813–14	4,23,51,000	– 1 6
1814–15	4,26,83,000	– 14 –
1815–16	4,24,49,000	– 5 2
1816–17	4,18,06,000	1 3 1
1817–18	4,26,02,000	– 11 –
1818–19	4,20,62,000	– 9 5
1819–20	4,26,79,000	– 13 11
1820–21	4,28,71,000	1 5 2
1821–22	4,32,92,000	2 5 1
1822–23	4,47,25,000	5 11 3
1823–24	4,20,42,000	– 10 2
1824–25	4,57,12,000	8 – 7
1825–26	4,38,93,000	3 11 10
1826–27	4,34,63,000	2 11 6
1827–28	4,01,72,000	5 – 10

They never have fallen so much as 6 per cent. below it. The average of the first 10 years falls short of the general average by 1 ½ per cent., that of the last 10 years exceeds it in the same small proportion. In England a bad harvest has been stated to make a difference of 10 per cent. in the revenues, but the period here taken includes two bad harvests, which did not make much more than half that difference. The evidence of successful administration which this statement affords, must be deemed conclusive when it is borne in mind that the revenues of Madras are very high, and depend mainly upon annual settlement."

20. The second and third members of our Committee, without questioning the ability with which the business of the Revenue Board at Madras may have been conducted, do not concur in the arguments or reasoning advanced by the senior member for retaining that Board at Madras. The reasons assigned in the former part of this report appear to them to apply as much to one Board as to another. They can scarcely recognise any clear proof of superior management in the circumstance that there has been no great variation in the amount of revenue when they advert to the sanguine and apparently well-founded expectations of increased resources which are expressed in the records of the Madras Government, and reflect upon the natural course of things in countries that had long suffered from the misrule of native governments. They perceive, in the selection of papers which have been printed by the Honourable the Court of Directors, abundant proof of the existence of abuses that would, they hope, be very unlikely to occur under a plan of individual responsibility and personal supervision, such as they advocate. The same papers appear to show that the employment of collective Boards affords no assurance of consistency of principle or procedure; nay, if the internal administration of Madras has in later years been, as they believe it has been, distinguished by vigour, energy and success, the result must, they think, be mainly ascribed to the circumstance that the working of the system was thoroughly controlled and directed by one man, certainly no ordinary man, Sir Thomas Munro; nor do they suppose, as contemplated by Mr. Hill, that inefficient men will be appointed single commissioners; on the contrary, the positive necessity of rejecting an inefficient functionary, where only one is employed, will insure, in their opinion, the appointment of the most able officers to be found on the list of the service. The majority of the Committee therefore recommend the substitution of two revenue commissioners, on a salary of *Rs.* 48,000, (with an assistant to each on a salary of *Rs.* 18,000,) for the present Revenue Board at Madras, who in their respective divisions may separately exercise all the functions now vested in the Board.

21. In the observations which we have introduced on the present subject we have not laid any particular stress on the economy of substituting the system of individual agency for that of Boards; this, however, is one of the most important and beneficial results to be anticipated from the measure. The reduction of expense, as regards European covenanted officers, may be estimated, according to the comparative statement below *, at *Rs.* 2,76,380 per annum, exclusive of some saving which may be anticipated in the native establishments, and we are quite satisfied that the alteration will promote efficiency and improvement as well as economy.

22. Although our senior member does not concur in the view taken by the majority of the Committee, either on the general question as to the comparative advantages of collective and individual agency, or on the application of that question to the Board of Revenue at Madras, yet as his colleagues have so fully cited the grounds on which he rests his opinion, he does not feel himself entitled to occupy further time in discussing the subject. He thinks it incumbent on him, however, with respect to the Madras Board, expressly to disclaim the admission that experience establishes, as the majority of the Committee thinks it does,

*

PRESENT.			PROPOSED.		
BENGAL:					
Board of Revenue:					
3 Members	1,56,600		2 Sudder Commissioners	1,04,400	
4 Secretaries and Assistants	91,200		2 Secretaries or Assistants	36,000	
		2,47,800			1,40,400
Board of Customs:			1 Commissioner, and Salt and Opium Departments and Miscellaneous Revenue	52,200	
2 Members	1,04,400		1 Secretary or Assistant	18,000	
3 Secretaries and Assistants	54,000				70,200
		1,58,400			
MADRAS:					
Board of Revenue:					
4 Members	1,60,100		2 Commissioners of Revenue	96,000	
4 Secretaries and Assistants	52,680		2 Secretaries or Assistants	36,000	
		2,12,780			1,32,000
Grand Total		6,18,980	Grand Total		3,42,600
			Difference or Saving		2,76,380

does, either that the defects which they impute to collective agency are inherent in the system and unsusceptible of practical remedy, or that its views and proceedings have fluctuated according to changes among its individual members, as would have happened with respect to the views and proceedings of successive commissioners. In his view of the matter also, the main duty of the Board of Revenue at Madras, to which detailed settlements, embracing the whole statistics of by far the greater part of the country, and involving the exercise of most extensive discretionary authority, are annually submitted, is virtually such as the majority of the Committee acknowledge to constitute an expected case; and although the proposition is self-evident, that "more business can be done by the same number of persons acting separately than in conjunction," yet it is hardly relevant to the question to be decided: for the paramount object of such an institution as the board of Revenue is, that the Government and collectors may be able to confide in its knowledge, experience, means of information and weight of character, not that it may dispatch business in the most expeditious manner. Finally, in as far as the proposed change would throw immediately upon the Government any part of the present functions of the Board of Revenue, and also with regard to the abolition of the Marine Board at Madras, and the transfer of its duties to the Government, which the majority of the Committee recommend, the senior member is desirous of expressing in the strongest manner his deliberate conviction, that of all changes that which is most required for the efficiency and success of our system of administration is, that the Council Board should be relieved from a large portion of the details by which its time and attention are at present overlaid; and that of all schemes of collective agency and divided responsibility the most open to objection is what must ensue if those details are added to; viz., that of allowing the name and authority of Government to be implicitly delegated to the organs through whom its resolutions ought merely to be communicated.

23. Our senior member does not feel himself qualified to offer any remarks upon the application which the majority of the Committee have made of the general question of collective or individual agency to the Boards at this presidency, further than by observing, that if the duties of the Bengal Board of Revenue correspond with those at Madras, the proposed change seems to him liable to the same objections at the one presidency as at the other.

We have, &c.

(signed) *David Hill.*
Holt Mackenzie.
John Bax.

(30.) Minute of William Blunt, Esq., on Individual Agency for Collective Boards; 6 January 1831.

(30.)—MINUTE of *W. Blunt*, Esq., Member of Council at *Bengal*; dated 6th January 1831.

In forwarding to the Right Honourable the Governor-general, for his Lordship's consideration, the Report of the Civil Finance Committee on the question as to the comparative advantages of individual agency, or that of collective Boards, and in expressing our concurrence generally in the opinion entertained by the majority of that Committee, I think it necessary to state that I am not prepared to give un unqualified assent to the expediency of extending at present that principle of revenue management and control throughout the provinces immediately dependent on this presidency.

Whatever inefficiency may have been found to exist in collective Boards, that evil is not, I think, necessarily inherent in the system. There cannot be any doubt that individual responsibility may sometimes be necessary to call forth exertion, and that a divided or ill-defined responsibility has a tendency to induce a relaxation in that respect. It is also, I think, unquestionable that more work can be performed by means of individual agency than by that of a collective body; but an incapable or inefficient member of a Board will not make a more able or better commissioner, and the same caution with which it will be necessary to select persons to be entrusted singly with the powers of control vested in commissioners would have insured an efficient Board. There seems indeed reason to believe that too great a facility in the selection of persons to constitute the Boards, arising probably from a difficulty of passing over claims of seniority even in cases of doubtful qualification, has been a principal cause of that inefficiency which has given rise to the present question.

The chief advantage to be derived from the establishment of a collective Board, as connected with the revenue administration of the country, appears to me to consist in the means it affords of aiding Government by its deliberations and matured opinions in questions of difficulty and importance, especially such as are likely to arise in the progress of the settlement of our extensive and valuable Western Provinces, and in which the interests of Government and the welfare of the people may be materially involved. Whatever information might be necessary to guard againt error would be concentrated in a Board placed in immediate communication with the local authorities, and composed of the most able and experienced of the Revenue officers of Government. A greater degree of consistency of procedure and of principle must thereby be insured than could be expected if the local commissioners were placed in direct communication with Government, and whose conflicting views and opinions would frequently tend to embarrass rather than to aid its decisions.

The establishment of a controlling Revenue Board in the Western Provinces likewise appears to me to be the only means by which Government can secure the requisite degree of exertion on the part of the collectors, in expediting the revision of the settlements, to which the judicial and other duties of the commissioners, it appears to me, must preclude their giving much of their attention;

attention; and I am of opinion that it is by means only of a controlling Board that full and satisfactory reports can be obtained of the progress of the settlements, and of the results of the labour and money expended in furtherance of this important work.

(30.) Minute of William Blunt, Esq.; on Individual Agency for Collective Boards; 6 January 1831.

It seems likewise desirable and necessary in those remote and unsettled provinces that more ready means of redress be afforded against any erroneous or unjust proceedings or orders of the local commissioners than would exist if an appeal could only be preferred at the presidency, or direct to Government. And it is also desirable to relieve the Government from the necessity of hearing and deciding on such appeals, for which occasion is more likely to arise in provinces under fluctuating assessments, and on which the rights and interests of various classes of the agricultural community are as yet imperfectly understood, than in our permanently settled provinces.

I should not, therefore, be disposed to advocate the plan of substituting individual agency in those provinces for that of a collective body, until a settlement for an extended term of years shall have been completed in every district; and till such period I conceive that the presence of a Board, composed of the most approved and efficient of the revenue officers of Government, is indispensably necessary to the welfare of the country and to the security of the public interest.

But in the Lower Provinces, where it can scarcely happen that any question of importance, or any matter of difficulty can occur, which a revenue commissioner is not fully competent to decide, or to dispose of without reference to Government (except in cases in which a reference is presented), I concur entirely in opinion with the Finance Committee that a Board is not necessary, and that the revenue administration of those provinces may be conducted by means of individual agency, the Commissioners corresponding directly with the territorial secretary to Government, though under that arrangement it might be found necessary to give additional assistance to that officer.

The arguments adduced by the senior member of the Finance Committee against the plan of substituting individual agency for that of a Revenue Board at Madras, appear to me to render the expediency of the measures at that presidency very questionable.

(signed) *W. Blunt.*

(31.)—MINUTE of Sir *C. T. Metcalfe*, Member of Council at *Bengal*; dated 9 January 1831.

(31.) Minute of Sir C. T. Metcalfe, on Individual Agency for Collective Boards: 9 January 1831.

HAVING before repeatedly expressed sentiments in favour of superintendence by individuals, as preferable to that exercised by collective Boards, according with those recently submitted by the Finance Committee in their Report of the 13th December, I shall confine myself on the present occasion to the declaration of my concurrence in the reasoning of the majority of the Committee on that subject.

With respect to their specific propositions, without meaning to urge the immediate adoption of any of them, I concur in them generally, as calculated, in my opinion, to promote both efficiency and economy, with the exception of that regarding the Marine department, to which department the system of individual superintendence, might, I conceive, be as well applied as to any other, by placing it at a suitable period under a superintendant of Marine, substituted for the master attendant, instead of transferring it to the control of the Military Board, as proposed by the Committee.

(signed) *C. T. Metcalfe.*

(32.)—MINUTE of the Governor-general of *Bengal*; dated 24 January 1831.

(32.) Minute of Lord Wm. Bentinck, on Individual Agency for Collective Boards; 24 January 1831.

HAVING already, in my Minute on the re-modelling of the Military Board at this presidency, given my opinion on the relative advantage of individual and collective agency, I need not here say much more upon the subject.

Where the duties are principally executive, like those belonging to commissioners of revenue and circuit, much benefit is obviously to be derived from the dispatch, vigour and unity of purpose which a single hand can best achieve. But, on the other hand, when council, deliberation, the careful revision of a great system, with its details, are required; when, moreover, functions are to be delegated partaking partly of a judicial character, when investigating charges of default against a large body of revenue servants, and partly of a legislative character, when suggesting the Regulations by which the rights in the soil are to be determined, it strikes me that there cannot be a doubt of the superiority of a collective body. In all my experience of public business, both in and out of Parliament, I have never seen an occasion where discussion did not produce great improvement in the original measure. In this country, where the revenue system is of such vast importance to the community at large, it seems to me that Government can never hope to arrive at a complete knowledge of its management, except by that free interchange and honest collision of opinion that can only grow out of a joint superintendence. The Board of Revenue is to the Supreme Government what the latter is to the Home Authorities. I beg to ask, if it were not for the

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able and honourable individuals who sit in council in independence of the Governors of the different presidencies, what security would there be, even for a true and fair record of the administration, much less that the public affairs were conducted with efficiency and honour, and in the true spirit of the orders and intentions of so very distant an authority.

The Finance Committee have recommended that there shall be two commissioners of revenue, one for the Upper, and one for the Lower Provinces. It is not stated whether they are to act separately or together, but as the principle of individual agency is maintained by the majority, I conclude that they are to act separately.

My opinion upon this subject is very much in conformity to that of Mr. Blunt. I quite agree with him that a Board of Revenue is indispensable for the regulation of the settlements in the Upper Provinces. I think with him that two members would be sufficient; and I am further of opinion that this Board should hereafter, under any circumstances, be stationed at Allahabad.

If an arrangement shall hereafter be made for dividing the administration of the Upper and Lower Provinces, then I agree with Mr. Blunt that the secretary in the Revenue department may conduct the whole correspondence with the commissioners in the Lower Provinces; but if no such separation should take place, the details would too much overload the Government, and the appointment of a single commissioner would become necessary.

To the recommendation of the Finance Committee for the substitution of a single commissioner for the Board of Salt and Opium, and for the transfer of the duties now exercised by the same Board, under the designation of Marine Board, to the Military Board, and of all the executive duties of the Marine department to the master attendant, I see no objection.

I agree with Mr. Blunt and the senior member of the Committee, Mr. Hill, in the expediency of maintaining the Revenue Board at Madras, but the reducing the number to two members would, in my opinion, promote economy, without in any degree impairing its efficiency.

I do not recommend the immediate adoption of any of these measures as they regard establishments which have long had the sanction of the Honourable Court; and as the whole frame of the Indian Government is about to be brought under public review, it may be more convenient to leave the decision of these minor details to follow any general arrangement which the Legislature, in its wisdom, may think proper to adopt.

(signed) *W. C. Bentinck.*

Camp, Oude, 24th January 1831.

IV.

IV.

(33.) Civil Servants.

(33.)—LETTER from the Governor-general in Council at *Bengal* to the Court of Directors, (Judicial Department); dated 3 July 1823.

Honourable Sirs,

We have the honour to transmit to your Honourable Court, as separate numbers in the packet, the accompanying Minutes by the Governor-general and Mr. Harrington, which have been recorded on our proceedings of the 19th ultimo.

2. The measures proposed by the Governor-general having been approved by the Board, will be immediately carried into effect.

3. They are directed to the object of separating the office of magistrate from that of the civil judge in some of the districts in the Lower Provinces, in which that measure appeared chiefly desirable, either from the heavy arrear of civil business or from other considerations.

4. The grounds of the several measures adopted for that purpose are so fully explained in the Governor-general's Minute, as to render it unnecessary to recapitulate the details of the arrangement in this place; but we trust that the motives by which we have been influenced on this occasion will be approved by your Honourable Court.

5. We think it necessary, however, earnestly to solicit the attention of your Honourable Court to the present state of the civil service, as described in the Minutes of the Governor-general and Mr. Harrington; and to request that your Honourable Court will take into your early consideration the expediency of making such addition to the number of your civil servants on the Bengal establishment as may tend to remove or diminish the difficulty and embarrassment which we now experience in providing for the efficient administration of the civil affairs of this presidency.

We have the honour to be, Honourable Sirs,

Your most faithful humble Servants,

(signed) *J. Adam,*
John Fendall,
J. H. Harrington.

Fort William, 3 July 1823.

(34.)—MINUTE of *John Adam*, Esq., Governor-general of *India*; dated 12 June 1823.

(34.) Minute of John Adam, Esq.; 12 June 1823.

In the consideration of the measures best calculated to facilitate the administration of civil and criminal justice in the territories subordinate to this presidency, the importance of augmenting the number of European functionaries employed in the Judicial department has been always felt and acknowledged. The necessity of a rigid adherence to economy, however, has hitherto prevented the Government from having recourse to that most obvious means of improving the efficiency of the Judicial administration to the extent which was desirable.

2. Since the year 1810 the number of judges in the higher courts has been increased; four zillah courts have been newly formed or re-established, a superintendant of police has been appointed in the Western Provinces, the new office of superintendant and remembrancer of law suits has been established, and several joint magistrates have been created.

3. Other joint magistrates have during the same period been dispensed with, and the offices of assistant judge and of registrar to the provincial courts have been abolished.

4. The total number of judicial situations is not materially greater now than in 1810, while, in point of fact, the European functionaries actually employed in the administration of justice in the districts under this presidency is less than it was at the period adverted to. The annexed Statement, No. 1, furnished from the civil auditor's office, shows the number of European officers who stood appointed to situations in the Judicial department in the years 1810, 1816, 1822 & 1823 respectively; and it will be observed, that at the present time the number of officers so appointed is less by 10 than the number appointed in the year 1810.

5. In the orders recently passed on the Report of the Sudder Dewanny Adawlut, relative to the state of civil business in the several courts of justice, we have had occasion to notice the very serious inconvenience experienced from the impossibility of providing registrars in many districts where the pressure of business rendered the services of officers of that class highly important.

6. Although the powers of the moonsiffs in the cognizance of civil suits have been recently extended, and provision has been made for the exercise of more responsible functions by the Sudder ameens, still there are numerous duties in the Judicial department, the execution of which cannot with propriety be transferred to the native officers, and which therefore, if there is no registrar or assistant, must devolve exclusively on the judge and magistrate.

7. The details with which the latter officer is in such cases burthened preclude him from performing any portion of his business with due care and deliberation. He cannot attend properly to one department without neglecting another; and he is unable to superintend the conduct of the subordinate officers with that vigilance which is essential to the prevention of abuse.

8. Under these circumstances, and with reference to the present flourishing state of our finances, I should be disposed to augment very considerably the number of European functionaries employed in the Judicial department, if the state of the service and the urgent demands of other branches of the administration would admit of it.

9. We have now before us an application from the Board of Revenue in the Western Provinces, urging that 11 additional officers be supplied for the service of the Revenue department in those provinces, as a measure essentially necessary for the due formation of the settlements in the division under their superintendence; and though we are sensible of the advantage which would result from the adoption of the Board's suggestion, we have not the means of complying with it to the extent desired, except by withdrawing some of the officers now employed in the Judicial department, and whose services can ill be spared from the duties on which they are engaged.

10. The same difficulty has been experienced in furnishing to Mr. Molony, the agent at Saugor and the territories on the Nerbudda, the aid of covenanted civil officers; and we have in consequence found it necessary to supply the recent vacancies which have occurred by the appointment of military instead of civil officers to be assistants to the commissioner.

11. It appears from the accompanying Statement, No. 2, that the number of civil servants attached to this presidency, after deducting those absent at sea on account of their health, is actually less now than it was in the year 1811. Our territorial acquisitions and extended political relations, consequent upon the war with the Pindarries, and with Nepaul, have, in the interim, involved the establishment of new offices and have proportionately augmented the demand for the services of civil functionaries.

12. The arrangements which have been so beneficially carried into effect during the same period for securing a more efficient control over every department of the Revenue administration have likewise been attended with a similar result, and the serious difficulties to which we are now so constantly exposed in providing officers to fill important situations, both in the Revenue and Judicial departments, seem to me to impose upon the Government the duty of earnestly soliciting the attention of the Honourable the Court of Directors to the actual state of the service, and of pointing out the necessity which exists for a very considerable augmentation of the number of civil servants on this establishment.

13. The more immediate object, however, of the present communication is to bring under the consideration of the Board the importance of adopting such partial arrangements as our inadequate establishment will admit for facilitating the administration of civil and criminal justice in some of the districts of the Lower Provinces, in which, whether from the heavy

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Civil Servants.

arrear of civil suits, or the defective state of the police, or the pressure of criminal and miscellaneous business, or from the joint operation of those causes, some further assistance seems indispensably necessary.

14. From the annexed Statements, and from the remarks which I have already offered in regard to the state of the civil service generally, it is obvious that the wants of the Judicial department cannot be supplied by withdrawing from the other departments individuals now employed in them. I am of opinion, however, that a partial relief might be obtained by transferring the duties of some situations hitherto held by covenanted civil officers to individuals not in the service, and that the officers above alluded to might be employed in the administration of justice in the districts where such aid is most essentially requisite.

15. The offices to which I allude, are the following:—

1st. Deputy-registrar of the Sudder Dewanny Adawlut and Nizamut Adawlut, and translator of the Regulations.

2d. Assistant to the superintendant of police Lower Provinces.

3d. Ditto to the secretary in the Judicial department.

4th. Ditto to the secretary in the Territorial department.

16. The duty of translating the Regulations might be transferred without inconvenience to the professors of the Persian and Bengalee languages in the College of Fort William, or to other individuals skilled in those languages, with a suitable remuneration for their labour. I am disposed to think that this is a plan which it would be expedient to adopt on its own merits, independently of the other considerations which have led me to propose it. It may be presumed that generally the professors of the college must be better qualified to perform the work with accuracy, and without reliance on native assistance, than the comparatively young scholars who must, in the ordinary course of the service, fill the post of deputy-registrar. The former are less liable to frequent change than the latter, by which means a greater degree of uniformity in the language and style of the translations will be secured; an object which I conceive to be of considerable importance, and the want of which has, I believe, been regarded as a defect in the translated code.

17. In lieu of the civil servants now attached as assistants to the superintendant of police in the Lower Provinces, and to the secretaries in the Territorial and Judicial departments, I would propose that the latter officers be respectively authorized to employ as their private assistant any person not in the service of the Honourable Company, whom, from his talents, education and character, they may consider properly qualified to assist them.

18. With respect to the secretaries' offices, the duties assigned to persons holding the appointment of assistant are not such, generally speaking, as to prepare the individual for the higher or more active functions of the service; and there is no advantage derived to Government from the labours of covenanted servants in the offices in question to compensate for the loss of their services in the Mofussil. This is not the case to the same extent with regard to the office of assistant to the superintendant of police; but on a comparison of the utility of his services in that situation with that of the office to which I propose that he should be transferred, there can be no room to question the expediency of the measure.

19. I am aware that the orders of the Honourable the Court of Directors are opposed to the further employment of uncovenanted servants, but those orders were issued under a view of circumstances very different from that exhibited in the Statement now laid before the Board, and the imperious necessity of the case must justify our deviation from the letter of the orders, at least to the extent proposed, while the present state of things continues to exist.

20. The situation of the uncovenanted assistants will be a confidential one, and the superintendant and secretaries must be held responsible for the due performance of any duties which may be entrusted by them to such assistants. To enable them to engage really useful and qualified assistants, I am of opinion that an allowance of 500 rupees per mensem should be granted to the latter.

21. The Board are aware that the assistants to the superintendant of police, and to the secretaries in the Judicial and Territorial department, are also magistrates of the town of Calcutta; and it will be necessary, if the proposed arrangement is carried into effect, to supply their places at the police office by the appointment of at least one additional magistrate, not being a covenanted servant.

22. The abolition of the offices above specified, would place at our disposal the following gentlemen: Mr. D. C. Smyth, Mr. Morris, Mr. Macfarlan, Mr. Shaw; and I propose that those gentlemen be employed as magistrates of the under-mentioned districts:

Hooghly, Mr. Smyth; Jessore, Mr. Morris; Nuddea, Mr. Macfarlan; Purnea, Mr. Shaw.

23. The very heavy arrears of civil business depending before the judges and registrars of those districts, according to the latest statements received by Government, are shown below *. In all of them the criminal duties are laborious, and the management of the police demands

* Depending before the Judge and Registrar on the 1st February 1823:—

	Regular.	Summary	Total.
Hooghly - - -	1,469	729	2,198
Jessore - - -	1,140	2,895	4,035
Nuddea - - -	931	3,416	4,347
Purnea - - -	1,120	547	1,667

demands vigilant and active superintendence; by relieving the judges from all duties connected with the office of magistrate, those officers will give their undivided attention to the civil court, and will be enabled to reduce the depending arrear of business, and to superintend with efficiency the lower courts.

24. The magistrate will in like manner have it in his power to devote his whole time to the management of the police, and to the duties of the Foujdarry department. He will not be precluded from occasionally proceeding in person to those parts of the district which may appear to require his particular attention, either from the local prevalence of heinous crimes, the misconduct of the police officers, or from other causes. I would propose that the monthly salary of the separate magistrates be fixed at 1,600 rupees per mensem, including charges for travelling, or for other extra expenses incurred by them on occasions of visiting the interior of their districts.

25. There are several other districts, both in the Lower and Western Provinces, into which I am desirous of seeing the same system introduced; but in the present state of the service I can suggest its further extension to one district only, Tirhoot*. The circumstances which have compelled Mr. Moore to relinquish the office of acting judge and magistrate of Sylhet, and to apply to be removed to some district beyond the limits of Bengal, are stated in his letter of the 3d April last; and while they justly entitle him to the indulgent consideration of Government, they placed at our disposal an officer peculiarly qualified by his experience and abilities for the office of magistrate of Tirhoot, to which situation I propose that he should be appointed.

26. In considering the means of facilitating the administration of justice, I have not failed to advert to the question, how far it might be practicable to relieve the judges of any of those districts in which the judicial business is particularly heavy, by transferring the functions of magistrate to the collectors.

27. Whether the general introduction of that system, even if it were practicable, would be desirable, is a question which I do not propose to discuss on the present occasion; but I see no reason why the experiment should not be tried in any particular district in which the collector may not only be well qualified for the task, but may have sufficient leisure to execute it, without interfering with his duties in the Revenue department, and where, at the same time, the business devolving upon the judge and magistrate is particularly laborious.

28. The duties of the collectors in the Western Provinces, in Benares and in Behar, appear to me much too laborious to admit of those officers being employed as magistrates also. The same obstacle occurs in many of the Bengal districts: in others the qualifications or state of health of the collectors do not encourage the attempt. After a careful consideration, I am prepared at present to suggest the following arrangements only:

1st. That the duties of magistrate in the district of Rungpore be placed in the hands of Mr. Nisbet, the collector.

2d. That Mr. N. Smith, the collector of Ramghur, be vested with the powers, and be directed to exercise all the functions of magistrate in that district.

3d. That the functions of collector and magistrate in the Jungle Mehals be vested in the hands of one officer.

29. The arrears of civil business depending before the judge and registrar of Rungpore are noted below†. The state of the police has for some time past been far from efficient. Mr. Nisbet is understood to be well qualified to discharge the functions of magistrate with effect, and his duties as collector are not heavy.

30. The duties of judge, magistrate and collector of Ramghur, have for a considerable period devolved almost exclusively upon one officer.

31. The arrears of civil business, though less heavy than in some other districts, are still very considerable‡. The police requires vigilant superintendence, involving frequent personal visits and local inquiries on the part of the magistrate.

32. Mr. N. Smith, the collector of this district, is already joint magistrate in the extensive tract of country called Chota Nagpore, and I am of opinion that essential benefit may be expected from placing in his hands the general charge of the police and the execution of the functions of magistrate.

33. The registrar of the Jungle Mehals has hitherto conducted the revenue business of the district as assistant to the collector of Burdwan. I think it would be desirable to place the revenue

* Depending before the Judge and Registrar of Tirhoot on the 1st of February 1823:—

Regular Suits.	Summary.	Total.
2,748	420	3,168

† Regular suits 920
Summary ditto 1,725
Total 2,645

‡ Regular suits 525
Summary ditto 878
1,403

revenue administration of the Jungle Mehals on the same footing as at Ramghur, and to invest the collector with the powers of magistrate.

34. The arrears of civil business have rapidly accumulated of late years*, chiefly in consequence of the revenue and judicial duties having frequently and for considerable periods devolved upon one individual.

35. The reasons which render it desirable that the magistrate of Ramghur should frequently visit in person the interior of his district, operate with equal force in the Jungle Mehals.

36. Many of the estates are very large, and situated at a considerable distance from the Sudder station. These zemindars are generally vested with police powers in their respective estates. The feuds between neighbouring proprietors, and between the latter and their subordinate jageerdars, frequently involve desperate affrays and inroads, which can be best prevented and settled by local inquiries; and the vesting in one individual the united powers of collector and magistrate would greatly facilitate such adjustments. The gentleman at present officiating as registrar and assistant collector at Bancoora is too young to be entrusted with the proposed powers of collector and magistrate, and the arrangement, if approved of by the Board, may for the present be suspended.

37. The expense attending the several arrangements above suggested, would be confined to the salaries of the European officers, as it would not, I apprehend, be necessary to augment (or at all events in a very trifling degree) the present establishments of native officers. The following rough Statement will show the probable additional expense to be incurred:

	Rs.
Separate magistrates at Kishenagur, Jessore, Hooghly, Tirhoot, Purneah, at *Rs.* 1,600	8,000
Extra allowance to the collector of Rungpore	500
Salary to be granted to the collectors and magistrates of Ramghur and the Jungle Mehals, at *Rs.* 1,600	3,200
	11,700
Deduct:	
Salary of deputy registrar of the Sudder Dewanny Adawlut and Nizamut Adawlut, and translator of Regulations	1,300
Salary of the assistant to the superintendant of police and the secretaries in the Territorial and Judicial departments, including their extra allowance as magistrates of Calcutta, at *Rs.* 1,000	3,000
Present allowance of collector and joint magistrate of Ramghur	1,500
Present registrar and assistant collector of Jungle Mehals	900
	6,700
Deduct from	11,700
The sum of	6,700
Net Expense	5,000
To this must be added:	
Salary of three uncovenanted assistants to the secretaries in the Judicial and Territorial departments and the superintendant of police, at *Rs.* 500	1,500
Allowance to the Persian and Bengalee translators, for translating the Regulations, say	800
Salary of an additional magistrate in Calcutta	900
Total additional Expense - - *Rs.*	8,200

38. No deduction is made on account of the salary of one of the registrars at Tirhoot, whose services may now be conveniently employed in another district.

39. *If the present measures should operate so as to reduce very materially the arrears depending before the judges of the several districts above specified, and to improve the efficiency of the police, the functions of judge and magistrate may again be united in the same hands, and an arrangement similar to that now proposed, be introduced into other districts which may chiefly require such relief.*

40. I am not aware that any new legislative enactments will be necessary on this occasion.

Judicial Department, 3 July 1823. (signed) *J. Adam.*

* Regular suits - - - 1,203
Summary ditto - - - 1,065
2,268

IV.

(34.) Minute of John Adam, Esq.; 12 June 1823.

(No. 1.)

STATEMENT showing the Number of European covenanted Servants in the Judicial Department employed in the Sudder Dewanny Adawlut, Provincial Courts, and in each District of the Lower and Western Provinces, on the 1st of May of the years 1810, 1816, 1822, 1823.

		1810.	1816.	1822.	1823.	Remarks on the Column for 1823.
Calcutta Division.	Sudder Dewanny Adawlut.	9	9	11	12	- - Two judges, partly employed on the special commission; two assistants on deputation.
	Provincial Court -	5	5	2	4	- - One judge, absent at the Cape of Good Hope, for his health.
	Burdwan - -	4	4	2	2	- - Registrar, employed also in the Revenue department.
	Jungle Mehals -	2	2	2	2	
	Midnapore - -	3	3	3	2	
	Cuttack - -	2	3	3	3	- - Two registrars, employed also in the Revenue department.
	Jessore - -	4	3	2	2	- - The registrar absent on deputation.
	Nuddea - -	4	3	3	3	- - Assistant absent on deputation.
	Hooghly - -	3	3	2	2	
	24 Pergunnahs -	- -	3	3	3	- - Judge absent on deputation.
	Suburbs of Calcutta	4	2	3	2	- - Registrar absent on deputation.
Dacca Division.	Provincial Court -	4	5	4	4	
	Mymensing - -	2	2	3	2	- - Registrar absent on deputation.
	Sylhet - - -	2	2	2	1	- - No registrar or assistant.
	Tipperah - -	3	2	1	3	- - Registrar absent on deputation. The assistant to the salt agent employed as joint magistrate at Noocolly.
	Chittagong - -	3	2	2	2	
	Backergunge -	2	2	2	2	- - Judge absent at Cape of Good Hope.
	Dacca Jellalpore -	2	2	2	1	- - Judge absent at Cape of Good Hope.
	Dacca City -	3	2	2	2	- - Judge absent on leave.
Moorshedabad Div^{n}.	Provincial Court -	4	4	4	4	- - One of the judges absent at the Cape of Good Hope.
	Bhangulpore -	2	3	2	2	
	Purneah - -	3	2	1	2	- - Registrar absent on deputation.
	Dinagepore - -	2	3	2	2	
	Rungpore - -	2	3	3	2	- - Registrar absent on deputation.
	Rajeshahye - -	2	3	2	2	
	Beerbhoom - -	3	2	2	2	- - Judge absent on deputation.
	Moorshedabad -	4	3	2	1	- - Registership vacant.
Patna Division.	Provincial Court -	4	5	4	4	
	Shahabad - -	3	3	2	3	- - The assistant employed both in the Judicial and Revenue departments.
	Sarun - - -	2	2	2	2	
	Tirhoot - -	3	3	2	2	- - The assistant absent on deputation.
	Behar - -	3	2	2	2	- - Judge at the Cape of Good Hope.
	Ramghur - -	3	2	2	2	- - Registrar employed also on revenue duties.
	Patna City - -	3	3	2	2	
Benares Division.	Provincial Court -	4	5	4	4	
	Mirzapore - -	3	2	2	2	- - Registrar absent at the Mauritius.
	Allahabad - -	2	3	3	3	
	Bundlecund, S. D.	2	3	2	2	
	Bundlecund, N. D.	- -	- -	2	2	- - Registrar absent on deputation.
	Juanpore - -	4	2	2	2	- - Judge absent on deputation.
	Ghazeepore - -	- -	- -	2	2	- - Registrar recently employed in the Revenue department, and has not yet rejoined his station.
	Goruckpore -	2	2	3	2	
	Benares City -	3	3	3	3	- - Registrar absent on deputation.
Bareilly Division.	Provincial Court -	4	5	4	4	- - One judge officiating as agent to the Governor-general and senior member of the Revenue Board at Delhi.
	Cawnpore - -	2	2	2	2	- - Registrar absent on deputation.
	Furruckabad -	2	3	2	2	- - Registrar employed in the revenue department.
	Etawah - -	3	2	2	2	- - Judge absent on deputation.
	Agrah - -	2	2	2	2	- - Registrar employed also on revenue duties.
	Allyghur - -	2	3	2	2	
	Seharunpore -	1	1	1	2	- - Registrar employed also on revenue duties
	Meerut - -	2	1	3	3	
	Moradabad - -	2	2	4	4	- - The magistrate and assistant employed temporarily on revenue duties also.
	Bareilly - -	3	3	4	3	- - Registrar absent on deputation.
	TOTAL - -	147	146	139	137	
	Deduct, absent at sea on account of their health	4	8	7	6	
		143	138	132	131	

Judicial Department, 3 July 1823.

IV.

Civil Servants.

(No. 2.)

STATEMENT showing the total Number of CIVIL SERVANTS on the *Bengal* Establishment, in each year, from 1st May 1811 to the 1st May 1823; the Number of Servants absent at Sea for their Health; the Number of Writers who arrived in each year; and the Number of Deaths and Resignations in the Civil Service in each year.

YEARS.	Number of Civil Servants on the Bengal Establishment.	Deduct the Number of Civil Servants absent at Sea for Health.		Number of Writers who arrived in Bengal during the last 12 Months.	Number of Deaths and Resignations during the preceding 12 Months.	
		Absent.	Present.		Deaths.	Resignations.
1st May 1811	374	9	365	31	9	11
1812	368	6	362	20	8	18
1813	382	8	374	22	8	10
1814	381	10	371	27	8	15
1815	390	9	381	29	6	13
1816	387	13	374	17	1	12
1817	395	15	380	25	4	19
1818	400	10	390	24	14	6
1819	394	9	385	15	8	12
1820	387	17	370	17	14	14
1821	384	22	362	19	12	17
1822	375	21	354	18	13	15
1823	370	15	355	17	10	18
Total - -	4,987	164	4,823	282	116	180
Yearly Average	383	12	371	21	9	13

Judicial Department,
3d July 1823.

(35.) Minute of J. H. Harrington, Esq.; 18 June 1823.

(35.)—MINUTE of *J. H. Harrington*, Esq., dated 18th June 1823.

THE defective state of our civil service with respect to the inadequate number of covenanted servants of the Company, for the execution of the public duties appertaining to the internal administration of the country, especially in the Revenue and Judicial departments, is indeed a most serious evil; and I fully concur in the Governor-general's suggestion, that we should earnestly solicit the attention of the Honourable Court of Directors to the actual state of the service in this respect, as urgently requiring a very considerable augmentation of the number of civil servants on this establishment, as soon as circumstances may admit of it.

In a memorandum from the chief Secretary, dated the 1st January 1821, and recorded in the Judicial department (with drafts of Regulations 2, 3 and 4, 1821) on the 19th of that month, it was stated that "the administation of civil and criminal justice, and the management of the police within the provinces into which our code of Regulations has been actually introduced, would require, under the full operation of the system now in force, the employment of 191 covenanted civil servants, according to the following statement:

"Sudder Dewanny and Nizamut Adawlut judges - - - - - -	4
A registrar, deputy registrar and translator of the Regulations, a reporter of civil and criminal cases, and three other assistants - - - - -	6
Total -	10

"Six

"Six Courts of Appeal and Circuit, each consisting of four judges and a registrar	30
46 Zillah and City Courts, including each one judge and magistrate, a registrar, and an assistant	138
Eight joint magistrates	8
Two superintendants of police and two assistants	4
Superintendant and remembrancer of legal affairs	1
	191"

Since the date of the above statement a fifth judge has been added to the courts of Sudder Dewanny and Nizamut Adawlut, and the number of joint magistrates is increased to 12*; but, on the other hand, the registrars to the six provincial courts have been discontinued. The total number therefore may still be assumed, as before, at about 191; and, including some additional magistrates whom it would be desirable to appoint, if we had the means of doing so, as well to relieve the zillah civil courts as for the improvement of the police and more ready administration of criminal justice, the complement of European judicial officers required for this presidency may be fairly computed, on the result of actual experience, to be not less than 200.

But of this number it appears, from the Statement No. 1, accompanying the Governor-general's Minute, that 137 only are at present employed in the Judicial department, and of these, six are absent at sea for the recovery of health.

The Governor-general has further noticed the want of civil servants to supply an augmentation to the establishment of revenue officers, which is urgently called for in the Western Provinces; as well as the necessity which now exists for our employing military instead of civil servants in the Political department.

It therefore appears advisable that a separate letter should be immediately addressed to the Honourable Court on this subject; and that, with reference to the facts adverted to, as well as to the average number of annual deaths and resignations in the civil service, as specified in the Statement No. 2†, accompanying the Governor-general's Minute, the Court of Directors should be requested to adopt, as soon as practicable, the necessary measures for supplying the actual deficiency in the civil service of this establishment, which should consist of at least 450 civil servants, as well as for keeping up a full complement to that extent in future.

In computing the aggregate number of civil servants required for the various duties of the public service under this presidency at 450, I have referred to the actual number, as stated in the accompaniment to the Governor-general's Minute, No. 2, viz. 370, and to the deficiency above mentioned, in the Judicial department alone, viz. 63‡, making together 433, which leaves 17 only to supply deficiency in the Revenue and Political departments.

The several arrangements proposed by the Governor-general for the immediate relief of some of the civil courts, and for facilitating the administration of criminal justice, and improving the police in particular districts, appear to me judicious and expedient under actual circumstances, and have therefore my entire concurrence.

The most important of those arrangements, viz. that of appointing distinct magistrates in five zillahs where the combined duties of judge and magistrate have been found more than could be performed by the same officer, and where consequently the business of the civil court has fallen much in arrear, corresponds with the sentiments I have already expressed as applicable to such cases of emergency, in paragraphs 168 and 169 of the Report of the Sudder Dewanny and Nizamut Adawlut, dated 9th March 1818, on the amendments of our existing judicial system and police, discussed in a general letter from the Honourable Court of Directors, under date the 9th November 1814.

Paragraphs 164 to 167 of the same Report contain also my declared sentiments, with those of the other judges of the courts of Sudder Dewanny and Nizamut Adawlut, on the general question of transferring the charge of the police, and execution of the duties of magistrate, to the collectors under this presidency.

But whilst the Governor-general's remarks on the present impracticability of uniting the offices of collector and magistrate in the Western Provinces, in Benares and Behar, and in many of the Bengal districts, confirm the opinion given by the courts above mentioned, on the expediency of any general arrangement of this nature, in the present state of the country, I fully agree with him, that there is "no reason why the experiment should not be tried in any particular district in which the collector may not only be well qualified for the task, but may have sufficient leisure to execute it, without interfering with his duties in the Revenue

* Azeemghur, Balasore, Bagundee, Buggoorah, Boolundshehur, Deyradoon, Futtehpoore, Khoordhah, Maldah, Mongheer, Nuggeenah, Shahjchanpore.

† Deaths nine, resignations 13; or, if the average be taken from the last six years, the number of deaths must be stated at 12, making, with 13 resignations, 25 vacancies to be supplied annually.

‡ Complement, as stated - - - - 200
Now employed in Judicial department - - 137
63

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Revenue department, and where, at the same time, the business devolving upon the judge and magistrate is particularly laborious." 'I therefore entirely concur in the proposed adoption of this experimental measure in the districts of Rungpore, Ramghur and the Jungle Mehals.

I will only add that the proposed appointment of an additional magistrate for the town of Calcutta, instead of the three assistants in the civil service, who are to be employed elsewhere, appears to be indispensably necessary; and that I doubt not the Honourable Court of Directors will admit the sufficiency of the reasons assigned for a temporary unavoidable deviation from their general instructions relative to the employment of uncovenanted servants in the three subordinate offices which are specified in the Governor-general's Minute.

June 18, 1823. (signed) *J. H. Harrington.*

(36.) Memorandum by Chief Secretary Bayley; 1 January 1821.

(36.)—MEMORANDUM by Mr. Chief Secretary *Bayley*, dated 1 January 1821.

In submitting the accompanying drafts of Regulations for the consideration of the Board, the Chief Secretary has the honour to offer the following remarks as to the object and tendency of the more important provisions contained in them.

The administration of civil and criminal justice, and the management of the police, within the provinces into which our code of Regulations has been actually introduced, would require, under the full operation of the system now in force, the employment of 191 covenanted civil servants, according to the following statement:

Sudder Dewanny Adawlut and Nizamut Adawlut judges		4
A registrar, deputy registrar and translator of the Regulations, a reporter of civil and criminal cases, and three other assistants		6
Total		10
Six Courts of Appeal and Circuit, each consisting of four judges and a registrar		30
46 Zillah and City Courts, including each one judge and magistrate, a registrar and assistant		138
Eight joint magistrates		8
Two superintendants of police and two assistants		4
Superintendant and remembrancer of legal affairs		1
		191
But the actual number of covenanted civil servants attached to the Judicial department at the present date, amounts only to 156; and of those 156, 14, chiefly of the higher ranks, are absent on sea, on account of ill health, leaving applicable to the public service		142
		49

Which is 49 less than the number the system supposes to be employed.

In fact, however, a still further deduction must be allowed: eight gentlemen are absent from their stations for short periods, on account of their health or their private affairs; 14 are employed on commissions or other special duties, either partially or wholly unconnected with the ordinary judicial administration. The number actually employed indeed at one time in the Judicial department will be found seldom to exceed 130 individuals; on the present date it amounts only to 126, being one-third less than the number which the system supposes to be employed.

The Government, then, may be stated to have about 130 European functionaries ordinarily engaged in the administration of civil and criminal justice, and in the management of the police, in a tract of country which can scarcely be computed to contain less than 45 or 50 millions of inhabitants.

On the present date, not one of the provincial courts have the services of a registrar; 18 zillahs or city courts have no registrars; and 41 have no assistants.

This want of junior officers in the lower departments of the judicial administration necessarily imposes on the higher officers the discharge of much business of a petty nature, which prevents the application of their time to duties of great importance; arrears accumulate, and the operation of the system is impeded. The reports of the last year show an increase in the arrears of depending suits in the files both of the judge and registrars, and a diminution in the number decided when compared with the two or three preceding years.

The deficiency is however still more deeply felt in the administration of criminal justice and in the police. Under the existing rules, neither the most trifling breach of the peace, nor the most petty theft or fraud, can be inquired into by any other functionaries than the covenanted civil servants in the Judicial department.

It is become necessary, therefore, either to allow a very considerable increase of covenanted civil servants in the administration of police and civil and criminal justice, or that their place be supplied by native agency.

To the first of these alterations the objections appear at present insuperable; and the difficulty of regularly supplying the judicial branch of the service with such a number of civil servants

servants as would be required for the effectual discharge of all the duties imposed by the existing laws on the European judicial functionaries, is generally acknowledged.

Opinion seems to be equally general in favour of the extension of native agency. Even with the contracted powers at present vested in the native judicial officers, most essential assistance is acknowledged to have been derived from them, and abuses have been seldom experienced where the zillah and city judges have been enabled to exercise over them a vigilant and unremitting superintendence. By extending their powers, and thereby relieving the European functionaries to whom they are immediately subordinate from much of the details with which they are now burthened, the latter will have more leisure to exert such a superintendence, and thus will the native officers be placed in the state best adapted to their character and circumstances; namely, in the discharge of important and laborious duties, subject to vigilant examination and control. The propriety of augmenting the efficiency of the native judicial officers is supported by numerous authorities both here and at home. The measure has been tried at Madras with acknowledged benefit, and the Governor-general, Mr. Dowdeswell and Mr. Stuart, in their several Minutes, dated the 2d October 1815, the 22d September 1819, and the 21st August 1820, have recorded sentiments favourable to its extension in the provinces under this presidency; it has been attempted with success in the Delhi territories, as both Mr. Metcalfe and Mr. Fortescue have fully attested in their respective reports; it has been recommended by the Court of Sudder Dewanny Adawlut, in their detailed report on the points stated in the letter from the Honourable Court of Directors, dated the 9th November 1814, and the views and reasoning contained in that letter itself are entirely consistent with such a measure.

Of the chief defects at present incident to the judicial administration of the country, the great part may be remedied by the employment of the natives to a sufficient degree in the management of the details, and the conduct of the less important civil and criminal business. Considering the extent and immense population of the country, it is obvious that 191 European functionaries, even were it possible, which it is not, that such a number should be constantly on duty in the judicial branch of the service, can do little more with effect than exercise a general superintendence; yet minute details and the most laborious and even inferior duties are imposed upon them: hence that want of active control over the conduct of the native officers, without which the latter cannot safely be trusted in matters of importance, and hence that accumulation of arrears, and those embarrassments of other descriptions, which have counteracted the unceasing endeavours of the most able men to infuse into the executive branch of the judicial administration an adequate degree of general and permanent efficiency.

It seems therefore necessary to employ the agency of respectable and well-qualified natives to a greater extent, both in the administration of civil and criminal justice, and to make such alterations in the existing Regulations as are conformable to that measure.

For this purpose it is proposed to provide for the increase of the number both of the sudder ameens and moonsiffs; to authorize the moonsiffs to decide the civil suits for money or personal property to the amount of 150 rupees; to empower specially such of the law officers and sudder ameens as may be duly qualified, to try suits to the amount of 500 rupees, also to authorize the registrars and sudder ameens to execute their own decrees; to empower the judge to refer to either of those officers the execution of the decrees of the moonsiffs; and to authorize the law officers of the zillah and city courts, and the sudder ameens vested with the special powers above mentioned, to try and determine criminal cases of a petty nature.

This arrangement may enable judges and magistrates, in some of the courts where business is not heavy, to do without an European assistant altogether; in others, where the business is heavy, the registrars and assistants will have leisure to afford more extensive aid than can be at present derived from them; and with this view, it is proposed specially to empower them to hear summary civil suits to any amount, and to exercise in Foujdarry cases referred to them, the same powers in regard to punishment as were exercised by the magistrates previously to the enactment of Regulation XIII. 1818; it is moreover proposed, in order that they may not suffer in their emoluments by being employed in such duties, to allow them fixed salaries instead of the fees which they now derive from the decision of regular suits.

Connected with this new distribution of labour, are several other modifications of the existing rules for the transaction of judicial business, which will be found in the drafts of the Regulations herewith submitted: of these it is only necessary particularly to advert, 1st, to the rules proposed for the execution of the decrees of the provincial courts in certain original suits; 2d, to the encouragement held out to the relinquishment of summary process before the judge, in cases of complaints for the recovery of arrears of rent, or of excessive demand; 3d, the provisions for uniting occasionally either in the collector or the magistrate the powers of both officers; and 4th, the limitation of the period of appeal in Foujdarry cases.

When the provincial courts were not vested with original jurisdiction, their decrees, being in all cases connected with suits that had originated in the zillah or city courts, were properly referred to the judges of those courts for execution, and may be so still; but of the original cases decided by the provincial courts, the zillah and city judges can know nothing, and to have imposed upon them the perfecting of such decisions seems to be a very unnecessary addition to their labours: in the districts at a distance from the Sudder stations of the provincial courts, it is of course unavoidable; but within the limits of the district in which the cutcherry of the provincial is held, the judges of those courts may easily execute their own decrees by means of their own native officers, and decide upon all matters arising out of such process. The zillah and city judges at the Sudder stations of the provincial courts, who more than any others are burthened with miscellaneous business, will thus be relieved from

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a great portion of intricate and laborious duty, which in fact does not properly belong to them.

The rules for summary process in questions of rent have not been found to answer: the smallness of the amount in most cases at issue, the great distance at which the parties frequently reside from the Sudder station, the delay which unavoidably takes place in the determination of the question before the judge, especially since the cases have been required to be referred for report to the collector, seem to suggest the propriety of a different procedure. If the procedure must be summary, it would be more advisable perhaps to let it begin and end with the collector, making his decision subsidiary to regular suits in the Adawluts; but there can be no objection to the parties bringing their suit in the first instance regularly, should they think proper; in fact, it has been found in some districts the most effectual and satisfactory way of adjusting them, especially in suits of small amount, cognizable by the moonsiffs. The existing Regulations indeed already admit of this course of proceeding; but it is now proposed to require the zillah and city judges to recommend that course of procedure in all practicable cases.

The Regulation empowering a collector or other officer employed in the management and collection of any branch of the territorial revenue to exercise the authority of a magistrate, and authorizing a magistrate, joint magistrate, or the assistant to a magistrate, to discharge the functions of a collector, will, it is presumed, greatly facilitate the public service when the judicial or revenue state of a district should require in the interior for any considerable period of time the presence of either of those officers.

A limitation to the period of appeal in Foujdarry cases will prevent complaints of a trifling nature from being intentionally protracted to the great injury of individuals, and will save the time of the courts, without opposing any obstacle whatever to the due consideration of all matters fairly and properly brought forward.

The only further point which appears to require notice in this place, is the suggested abolition of the office of registrar of the provincial courts of appeal and circuit.

Those officers are so frequently called from their regular duties to act as zillah and city registrars, that the provincial courts seldom have the benefit of the services of their registrars; and, as already noticed, there is not at the present moment a single individual doing duty as registrar of a provincial court.

Their functions are ministerial and formal, and the chief part of their duties might be well performed by an intelligent clerk or head writer.

Supposing the salary of such clerk to be 200 rupees per month, the abolition of the office of registrar of the provincial courts would make a saving of 1,800 rupees per mensem, and would prevent any material addition of the charges of the Judicial department from the fixed salaries proposed to be given to the zillah registrars in lieu of their fees.

The amount of those salaries might be regulated as follows:—

Joint magistrates and registrars residing at places not being the fixed station of the zillah or city courts, per mensem - - - - -	*Rs.* 1,000
Zillah and city registrars who have quitted college three years or upwards -	700
Registrars who have quitted less than three years - - - - - -	600

The present allowance of the first class are 860 rupees per mensem, exclusively of fees.

Those of the second and third classes 500 rupees per mensem, exclusively of fees.

The amount of those fees varies in different districts: in some few it may amount on an average to 300 rupees per mensem; in others to 200; in others to 100; and in some to about 50 rupees per mensem only.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

(37.) Letter to the Bengal Government; 23 July 1824.

(37.)—DESPATCH in the Judicial Department to the *Bengal* Government, dated 23d July 1824.

1. Our last despatch from this department was dated the 28th April last.

2. We now reply to that part of your letter of the 3d July 1823 which relates to the present state of the Bengal civil establishment.

3. You inform us that you experience difficulty and embarrassment in providing for the efficient administration of the civil affairs of your presidency, and you request us to take into our early consideration the expediency of adding to the number of civil servants on the establishment.

App. Nos. 34, 35.

4. From the Minutes of Mr. Adam and Mr. Harrington, to which you have particularly drawn our attention, we learn that military officers, instead of covenanted civil servants, have been appointed assistants to the commission in Saugur; that you have resolved to nominate uncovenanted Europeans to several offices held hitherto by civil servants of the Company; and that you require of us, to meet the actual demands of the service, no fewer than 80 writers.

5. Nearly 12 years have now elapsed since an application was made to us by the Governor-general in Council for an additional supply of 60 writers*; and the application was

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* Public Letter from Bengal, 18 Dec. 1812.

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was accompanied with a remark, "that if the solicited relief was proposed to be met by the usual course adopted in the supply from Hertford College, it could not answer the exigency." In reply to that application, we acquainted the Government*, that though more than the usual number of students had been taken from the College in the seasons 1812–13 and 1813–14, for the purpose of being sent as writers to Bengal, we had nevertheless been induced to send out five gentlemen who had not passed through the College, but who, after an examination by the principal, had been certified by him to be very satisfactorily qualified for the appointment, besides transferring two others from the military to the civil establishment. We at the same time expressed a hope that those appointments, although in the whole falling short of what had been required, would obviate the apprehended inconvenience of not appointing the full additional number which had been applied for; adding the following important intimation:—"By the 46th clause of the Act 53 Geo. 3, cap. 155, you will observe, that no writers can be appointed for India, from and after the 10th April 1814, who have not been four terms in the East India College; consequently no appointment can take place in future but in strict conformity with the directions contained in the said Act." The only notice taken of these paragraphs by the Government† was, that they required no reply, leaving us to infer that no inconvenience was apprehended from only a limited compliance with its requisition.

(37.) Letter to the Bengal Government; 23 July 1824.

6. The provisions of the Act of 1813 ought to have impressed our Government with the importance of giving the earliest possible intimation of the existing or apprehended deficiency in the number of our civil servants; and had we received timely notice, that unless a greater than the ordinary supply were furnished, there would be a necessity for calling in the aid of military officers and uncovenanted Europeans, we should have had an opportunity of determining whether these expedients were allowable, or whether some other arrangement might not be devised to meet the exigency.

7. It cannot fairly be alleged, that an additional demand for writers to any considerable extent, and much less to the extent specified, has arisen out of the events of the late wars; because the accession of territory to your presidency, consequent on those wars, has not been very considerable, and at any rate the increased demand, if any, likely to be occasioned by such accession might have been foreseen six years ago.

8. In requiring now an immediate supply of 80 writers, you have required of us that which, under the Act of 53 Geo. 3, cap. 155, it is impossible for us to perform. Still we shall use every endeavour to comply with your application to the full extent of the means we possess under the existing law, and we hope to be able to add considerably to your usual annual supply.

9. But whatever may be the urgency for increasing your European civil establishment, and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you on various occasions in the course of the last 10 years, viz. the advantage and necessity of a more extensive employment of native agency in the Judicial department of the service. The Regulations passed by you with this object in the beginning of 1821 have our cordial approbation, and we were greatly pleased with the valuable memorandum which was then submitted to you by your chief secretary, Mr. Bayley, explanatory of the policy which had influenced the framing of those Regulations. But though under the provisions then made the powers of moonsiffs and sudder ameens were increased, and their number may be increased indefinitely, we apprehend, from the large arrear of undecided causes stated in Mr. Adam's Minute to be depending in some of the zillah courts, that both the number and powers of those functionaries are still inadequate.

App. No. 36.

10. We are satisfied, that to secure a prompt administration of justice to the natives of India in civil cases, native functionaries must be multiplied so as to enable them to dispose in the first instance of all suits of that description, and, as appears to us, without regard to the amount at stake; their decisions being of course liable to revision under appeal, where this check may be deemed indispensable, and what perhaps is of no less importance, their general conduct being subject to a constant and vigilant supervision on the part of the European functionaries in the districts where they are stationed. It should be the duty of the latter not only to hear appeals, but to inquire into and to report to Government periodically on the efficiency of the native agents employed more immediately under their eye, and the degree of estimation in which they are held by the community; whilst it should equally be the care of Government to reward the deserving, and to testify in the most marked manner its displeasure against persons of an opposite character.

11. The policy of restricting, as is done by the existing Regulations, the powers of the native judicial functionaries to hear and decide on causes where the interest at stake is of a limited value, appears to us to be questionable, for this reason, that a suit of 500 rupees may be more difficult to decide, and with reference to the circumstances of the litigant parties, of more importance, than a suit involving ten times the amount. We are doubtful too whether corruption is not more likely to occur in small causes than in those which from their magnitude attract more general attention, and the progress and issue of which are more narrowly watched.

12. The adjudication of appealed civil suits, the general supervision of the native judicial agents, the superintendence of the police, and the administration of the higher departments of

* Public Letter to Bengal, 18 Feb. 1814.

† Public Letter from Bengal, Nov. 29, 1814, para. 15.

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of criminal justice, with the settlement and collection of the revenue, will afford ample occupation to those of our covenanted European servants who devote themselves to the internal administration of the country. By aiming at more than we can accomplish, we endanger the attainment of that which is within our reach; and it is justly observed in the memorandum of Mr. Bayley already alluded to, that, in consequence of "minute details, and the most laborious and even inferior duties being imposed on our European judicial servants, there is a want of active control over the conduct of the native officers, without which the latter cannot safely be trusted in matters of importance: hence also that accumulation of arrears, and those embarrassments of other descriptions, which have counteracted the increasing endeavours of the most able men to infuse into the executive branch of the judicial administration an adequate degree of general and permanent efficiency."

13. It has frequently been objected to the employment of the natives of India in judicial offices, that they cannot be safely trusted with the administration of justice. To this objection it might perhaps be a sufficient answer to say, that they are already so trusted. But our principal reason for noticing the objection is, that we may impart to you our decided conviction, that, when we place the natives of India in situations of trust and confidence, we are bound under every consideration of justice and policy to grant them adequate allowances: we have no right to calculate on their resisting temptations to which the generality of mankind, in the same circumstances, would yield. But if we show a disposition to confide in them, and liberally to reward meritorious services, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters, both morally and intellectually, and of rendering them the instruments of much good. It will be gaining a most important point if we can substitute a well-regulated and responsible agency, for that unauthorized and pernicious influence which there is reason to fear that the native officers of the Adawluts are in the habit now of too frequently exercising over the proceedings of those courts.

14. The sentiments above expressed are in perfect conformity with the views which were communicated to you in our despatch from this department of the 9th November 1814, and which had been in like manner imparted to the Madras Government, in a despatch dated the 29th April preceding. On some of the suggestions contained in those despatches there were, as might have been expected, differences of opinion among our servants in India; the experiment, however, of employing native agency in the administration of justice has been tried with success on a larger scale in the Madras provinces, where it has greatly relieved the zillah courts from a pressure of business, to the expeditious despatch of which they had been found unequal, besides having, as we believe, been attended with other important benefits; and we have derived much satisfaction from observing a spreading conviction of its utility. Mr. Secretary Bayley, in the memorandum already quoted, describes this employment of natives, subject to vigilant examination and control, as one of the "best adapted to their character and circumstances. The propriety," he adds, "of augmenting the efficiency of the native judicial officers is supported by numerous authorities, both here and at home. The measure has been tried at Madras with acknowledged benefit, and the Governor-general, Mr. Dowdeswell and Mr. Stuart, in their several Minutes, dated the 2d October 1815, the 22d September 1819, and the 21st August 1820, have recorded sentiments favourable to its extension in the provinces under this presidency. It has been attempted with success in the Delhi territories, as both Mr. Metcalfe and Mr. Fortescue have fully attested in their respective reports; it has been recommended by the Court of Sudder Dewanny Adawlut, in their detailed reports on the points stated in the letter from the Honourable Court of Directors, dated the 9th November 1814, and the views and reasonings contained in that letter itself are entirely consistent with such a measure." You have not, however, made any distinct reply to our letter of 9th November 1814; an omission on your part which we now desire may be supplied. We required you to recur to the practices of native Governments, and to make use of the ancient institutions of the country in the manner we pointed out. It was to the extensive employment of punchayets, heads of villages, and heads of caste, and to the transfer to the collectors of an important portion of the functions, both civil and criminal, hitherto exercised by the judges and magistrates, that we chiefly looked for a substantial improvement in the administration of justice under your presidency.

15. You have, indeed, transferred to the collectors of certain districts the functions of magistrates. In this respect you have acted in conformity with our declared wishes; but in constituting in other districts a separate office of magistrate, you have pursued a course unsanctioned by us, and have thereby multiplied your demand for European agency, at a time when you found your establishment unequal to the ordinary wants of the service.

16. You will conclude, from the tenor of the foregoing paragraphs, that in notifying to you our intention to increase the number of our European civil servants as circumstances may permit, we are actuated solely by a desire to add to your means of active and vigilant superintendence and control, and not by the vain expectation or hope of enabling them to transact the details of administration, a duty for which their superiority of qualification may be doubted, and which would occupy much of that time which may be more usefully employed: still less have we been influenced by the "present flourishing state of our finances," which has been adduced as a consideration in favour of the measure.

When the revenues of a State are more than sufficient to defray the necessary expenses incurred on account of its government and defence, the people are entitled to look for relief from part of their burthens; and you will besides have seen, from our recent despatches in the Military and Financial departments, that according to the best view which we can take

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(37.) Letter to the Bengal Government; 23 July 1824.

of the actual state of our affairs, it is not such as to exempt you from the strictest attention to economy in every department of your administration.

17. In regard to the expedients to which you have resorted for the purpose of supplying the present alleged deficiency in our civil service, we do not object to your employing the professors of the College in the business of translation. The placing of uncovenanted Europeans in the most important departments of Government, immediately under the secretaries, was a measure which the most urgent necessity alone could justify, and we desire that they may not be continued in those situations beyond the duration of the exigency which occasioned their appointment. This class have not the same claims on us as natives, and we have not the same hold on them as on covenanted servants.

18. We desire that you will, with the least possible delay, transmit to us a list of all the uncovenanted Europeans now in your service, specifying their names, occupations and salaries, and the extent and value of the services which they may have rendered. We are anxious to preserve a control over every class of persons in our employment, and above all to possess the means of determining on the expediency or otherwise of increasing or diminishing the number of any particular class so employed.

We are, &c.

(signed) *W. Astell.*
C. Marjoribanks.
&c. &c.

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SETTLEMENT OF EUROPEANS IN INDIA.

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(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 February 1818.

(38.)—LETTER from *John Jebb* and *James Pattison*, Esqrs., to the Right Hon. *George Canning*, dated 27 February 1818; with an Enclosure.

Sir,

IN consequence of the numerous applications which have been received from individuals for leave to proceed to, and remain in India, under the provisions contained in the Act of the 53d of the King, c. 155, s. 33, the Court of Directors have been induced, by a strong sense of duty to the East India Company, to the natives of India residing in the territories under its authority, and to their own country, to take the subject generally into their most serious consideration. In the Court's name, and by their direction, we now submit to you the result of their deliberate reflections upon this important subject, in the anxious hope that the communication which we are about to make may lead to a concurrence of sentiment between the Board and the Court as to the line of conduct to be observed, with the view of carrying into effect the intentions of the Legislature in the enactment above referred to.

By sect. 33. of what is commonly termed the Charter Act, provision has been made for granting permission to persons desirous of going to and remaining in India, for the purpose of introducing among the natives useful knowledge, and religious and moral improvement, and also to persons desirous of going to India and remaining there for other lawful purposes.

It may be proper that we should enumerate the different descriptions of applications which have been made by persons desirous of proceeding to India under the above-mentioned provisions, and shortly explain what has hitherto been the practice of the Court in disposing of those applications.

The applications which have been preferred belong to one or other of the following classes:—Persons desirous of going out to India,

1st. As missionaries or schoolmasters.
2d. As barristers, attorneys, or clerks to attorneys.
3d. As partners or assistants in mercantile houses already established.
4th. As shipwrights, coachmakers or other mechanics.
5th. As agents on board of licensed ships to sell the export cargoes, and to procure investments in return.
6th. As temporary residents to settle private affairs.
7th. As commercial speculators, whether in the character of principals or factors, or agents for persons in Europe; and candidates for employment in any line in which it may be found.
8th. Applications of ladies.
9th. Applications of menial servants.

In respect of applications coming from each of those classes, the following has been the practice of the Court:

Missionaries or Schoolmasters.

THE Court have invariably, except in two or three instances, permitted applicants of this description to proceed to India, after being satisfied of the respectability of their character by the production of proper testimonials from persons of repute, or from the societies with which they were more immediately connected.

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Settlement of Europeans in India.

Barristers, Attorneys, or Clerks to Attorneys.

THE Court have been influenced in granting or refusing applications from persons in the profession of the law, by the representations of His Majesty's courts of justice in India, through the channel of the local governments, as to the sufficiency or otherwise of the practitioners in point of number, about the time when such applications were received. With respect to attorneys' clerks, we have no such guide; but it is well known to persons acquainted with India, that few Europeans of this description are requisite, as native copying and engrossing clerks are to be procured on moderate terms.

Partners or Assistants in Mercantile Houses already established.

THE Court have always been desirous of enabling every established house of business in India to provide for casualties, and to obtain such additional assistance as they might require in consequence of the opening of the trade. Accordingly, when applicants of this class have been found on inquiry to be individually respectable, and when it has appeared that they were invited to join persons of good character in India as partners, or with a reasonable expectation of becoming partners, the Court have acceded to their applications. Clerks perfectly competent to the subordinate details of a counting-house are to be found in abundance among the half-caste and the native Portuguese, as well as among the Hindoos; and the introduction of a considerable number of European clerks would clash with the employment of people of this description, particularly of the half-caste, whom it is good policy to engage in peaceable occupations.

Shipwrights, Coachmakers and other Mechanics.

LICENSES have been granted in a variety of instances to persons of this class; but the Court are desirous of limiting the number to what may be sufficient for the instruction and improvement of the natives in the useful arts. The latter are known to be great adepts in imitation, and their frugal habits render it impossible for Europeans to rival them in pursuits where success depends chiefly on the cheapness of manual labour.

Agents to manage the Sale of the Cargoes of Licensed Ships, and to procure Investments in return.

WHEN applications have been made by parties actually concerned in any ship or ships licensed under the Act of the 53d of the King, for permission for some person named by them to proceed to India, and there to remain during such limited periods as their interests might require, it has been the general practice of the Court to comply with those applications.

Temporary Residents to settle Private Affairs.

IN cases of this sort, the Court have required the applicants to explain the affairs upon which they desired to proceed, and, when the Court have been satisfied that they were of a nature to require the presence of the applicants in India, leave has been given to them to proceed thither, and to remain as long as appeared to be necessary under the circumstances of each case.

Commercial Speculators, whether in the character of Principals or Factors, or Agents for Persons in Europe; and Candidates for employment in any line in which it may be found.

THE Court have always looked with considerable jealousy to applications from this description of persons, because a general compliance with them would afford a wide opening for the indiscriminate resort of Europeans to India, contrary to the principles upon which the administration of that country has hitherto been conducted, and to which we shall take the liberty of particularly soliciting your attention in the sequel of this letter. To show, however, the spirit by which they have been actuated on these occasions, we take the liberty of mentioning that the authority vested in the Court by the Act of 33 Geo. 3, to license the residence of persons at the several settlements in India under free merchants' indentures, has, since the last renewal of the Company's Charter, been limited in its exercise to the nomination of eight free merchants annually. This arrangement was made, in concurrence with the late President of the Board, expressly for the purpose of extending the opening for compliance with applications which might be preferred upon reasonable grounds by persons desirous of proceeding to India under the Act of the 53d of the King, c. 155, s. 33, and will, we doubt not, be considered as indicative of the Court's disposition (at the expense of all minor considerations) to carry into full effect the provisions contained in that section of the Act.

Applications of Ladies.

IT has been the practice of the Court, before complying with applications from ladies, in the first place, to ascertain that the applicants are persons of fair reputation, and next, that they have received invitations to proceed to India from friends or relations residing in that country.

Applications of Menial Servants.

THE Court have always had strong objections to European menial servants of either sex going to India. They are generally found themselves to require the service of natives, over whom

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 February 1818.

whom they are prone to tyrannize, whilst, in point of comparative usefulness, they rank far below the native servants.

The foregoing detail will, it is hoped, convey a tolerably distinct notion of the mode in which the Court have exercised the discretionary power which has been confided to them, of licensing persons applying to proceed to India pursuant to Parliamentary enactment. Their uniform wish has been, on the one hand, fairly and honestly to promote all the objects which appeared to them to have been contemplated by the Legislature in prescribing an extension of moral, intellectual, and commercial intercourse between the two countries; and, on the other hand, to avoid any further departure from the principles of the long established system of Indian administration than was essentially necessary for the attainment of those objects. In the responsible, delicate, and somewhat invidious situation in which they are placed, they have thought it equally inconsistent with their obligations to grant unlimited facilities, and to start captious objections; they have endeavoured to proportion means to legitimate ends, to distinguish between reasonable and groundless applications, and to consult the wishes of individuals, as far as was compatible with the paramount interests of the public.

In the discharge of this necessary though sometimes unpleasant duty, it was not to be expected that the Court's decisions should always prove satisfactory to disappointed applicants; but the Court would have submitted patiently to any unpopularity which they might have incurred in such quarters, had their proceedings been fortunate enough to meet with the more frequent concurrence and sanction of your Board.

The Board have unquestionably the power of acceding to applications which have been rejected by the Court, but we are confident that we do not mistake your disposition in presuming that it is a power which you would at all times wish to exercise with considerate reserve.

Among the many applications which the Court have received, some have appeared to them to be wholly unfounded, whilst others have been preferred in a spirit of adventure by persons of ruined fortune and questionable character. With such applications the Court of course considered themselves bound to refuse compliance, yet we are sorry to say that, in more than one instance, they have subsequently been acquiesced in by the Board. The frequent reversals of the Court's decisions, which have recently occurred, are the more remarkable, because the usual practice of the late Board was to decline passing any orders upon such applications as the Court had reported to be, in their opinion, inadmissible.

The general profession of "lawful purposes" is easily made: it requires but little ingenuity to find plausible reasons in support of its reality; and attestations to character, even when undeserved, are too often obtained without much difficulty. A corroboration of this remark will be found in one of the reported cases from the Court, on which the Board have not yet been pleased to signify their pleasure. It is that of a person who solicited leave to proceed to India for the purpose of arranging with his brother some family concerns on behalf of his mother. The request appeared plausible, but it came to the knowledge of the Court that the applicant meant to go out as an "adventurer," and he afterwards confessed that his real intention was to seek service in the army of the Nizam.

We trust that we do not assume too much on behalf of the Court in respectfully submitting to you that the number, the wide association and various connections of its members, give them means which the Board may not possess in the same degree, of ascertaining the real grounds of applications, and of making themselves acquainted with the characters and views of those by whom they are preferred. It may not, however, be always expedient for the Court explicitly to assign in writing their precise reasons for rejecting applications, although fully satisfied of the impropriety of granting them. Upon this ground, therefore, particularly when supported by an assurance that it is the cordial disposition, as well as the stedfast determination of the Court to act in strict conformity to the views of the Legislature, in so far as they are able to comprehend those views, we venture to claim a liberal share of confidence from the Board in their revision of the Court's proceedings.

We would, likewise, beg leave to submit to you, Sir, not only that in proportion to the facility of obtaining licenses will the demand for them increase, but that the evils likely to result from a large influx of Europeans into British India will, in the apprehension of some, be considerably aggravated by the circumstance of their composing two separate classes, holding their respective licenses from two distinct authorities. This consideration may probably have suggested the proposal made by Mr. Courtenay, in his letter to Mr. Cobb of the 21st ultimo, of devising a common form, to be used indiscriminately, for licenses granted by the Court in the free exercise of their discretion, and for certificates issued by the Court, contrary to their own opinion, in obedience to the direction of the Board. The proposal has been attentively considered, but, from the tenor of this address, you will readily perceive the grounds on which the Court hesitate in adopting it. An agreement in principle would greatly facilitate any proposed arrangement upon matters of detail.

The Court understand and believe, that it never was the intention of the Legislature, by the 33d section of the Charter Act, to prescribe a total change in the principles of Indian government, which had been acted upon down to the 21st July 1813, and which have been regarded by all the first authorities, both abroad and at home, as indispensable to the tranquillity of our possessions, and the stability of our power. It is true that the trade with India was then laid open to the merchants of this country, and that special and express provision was made for permission being granted to persons desirous of going to India, for the purpose of introducing among the natives useful knowledge, and religious and moral improvement, and for other lawful purposes, (such as may be considered fairly to come

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within the scope of those applications to which the Court have been in the habit of acceding.) But there is nothing, either in the correspondence between the two successive ministers for India and the Court of Directors, before the bill for the renewal of the Charter was brought into Parliament, or in the discussions which took place in Parliament pending the progress of the bill, or in the provisions of the Act as definitively passed, to warrant an opinion that any greater innovation upon the Indian system was contemplated than was necessarily involved in the specific measures to which we have alluded; on the contrary, it was admitted by the proposers of those measures that they might be attended with dangers, against which it would be expedient to guard; and precautions adapted to the nature of each case were accordingly taken to avert the ill consequences which might result from the prosecution of interested speculations, injudicious though benevolent designs, and lawful purposes, whether real or pretended.

The trade, instead of being made completely free, was subjected to certain regulations and restrictions, which were promulgated for the information of all whom they might concern. The conditions imposed upon commercial adventurers were precisely defined, and rendered easy of performance, so that no person should have reason to complain that his speculations were liable to be thwarted by a will over which he had no control. Neither were unlimited facilities held forth to such as might be desirous of resorting to India for purposes professedly consonant to law, and prompted by benevolence; but a different sort of security was devised in regard to persons of this description, from those which were required from houses of trade. It being a task of much more difficulty to discover the motives and intentions of individuals than to ascertain the tonnage of a ship, or to examine a manifest, a discretionary power was given to the Court of Directors to comply with or to reject applications, of which the ostensible objects might be found, upon investigation, not to correspond with the real ones, or to be otherwise unworthy of continuance; the negative pronounced by the Court being in all cases subject to reversal by the Board of Commissioners.

Another reason occurs for the obvious distinction which exists between such regulations as affect the conduct of the trade, and those which have been framed with reference to individuals soliciting permission to proceed to India for benevolent or other lawful purposes. Although a minimum for the tonnage of each ship respectively sailing to India has been fixed by law, yet no restriction has been imposed upon the total amount of tonnage to be employed in the trade, because every branch of commerce will learn by experience to respect the natural limits of supply and demand; or if it does not, the worst that can happen is the ruin of thoughtless or obstinate speculators. The same considerations do not apply to the emigration of individuals (whether in smaller or larger bodies) who go in quest of a settlement in a foreign country, and in the pursuit of objects, legitimate perhaps in themselves, but which they may fail in attaining. Here the consequences of failure are not confined to the persons immediately involved in it; they extend to all around them. The disappointed adventurers, being unable either to return to their own country, or to gain an honest livelihood in that which they have adopted, have recourse to fraud and violence; and the natives, who were no parties to the mistake, become the greatest sufferers from it. Hence it has been deemed expedient by the Legislature, that a discretionary power should be lodged in the authorities directing the affairs of India, to negative the applications of persons desirous of proceeding thither, where such applications may appear to come from improper quarters, to be founded upon unreasonable expectations, or to be excessive in point of number.

To constitute a "lawful purpose," it is necessary, not only that the motive in which it originates should be sincere and blameless, but that the object contemplated should be attainable through legitimate means, and that the field of enterprize should, in point of extent, correspond with the number of competitors. An hundred persons may be usefully employed where double the number might barely contrive to exist, and where 1,000 would be driven to absolute want and desperation.

The very terms employed in the 33d section of the Act clearly show, in the judgment of Court, that the expression "or for other lawful purposes," was never meant to have a largely extended application. That part of the clause which provides for the introduction of useful knowledge and moral improvement, and for *sufficient* facilities being afforded by law to persons desirous of going to and remaining in India for the purpose of accomplishing these benevolent designs, is prefaced by a solemn declaration, that it is the duty of this country to promote the interest and happiness of the native inhabitants of the British dominions in India; and notwithstanding this declaration, it is provided, that the prosecution of such benevolent designs shall not, either interfere with the authority of the local governments respecting the intercourse of Europeans with the interior of the country, or in the slightest degree infringe the principles of the British Government, on which the natives of India have hitherto relied for the free exercise of their religion. But to the second part of the clause, which makes provision for granting permission to persons desirous of going to India, and remaining there "for other lawful purposes," there is neither preamble nor annexed condition. It is highly improbable, we had almost said it is impossible, that in a provision so worded, the Legislature intended any serious innovation upon the system of Indian government, as established and acted upon for half a century.

Having thus submitted to you the interpretation which the Court put upon the statute, and having endeavoured to show that, by its enactments, a discretionary power has been vested in the Court of Directors, subject to the control of the Board of Commissioners, to negative, on any reasonable grounds, whether of character, object or number, applications which they may receive from persons desirous of going to and remaining in India, we proceed

proceed to explain the general considerations by which the Court have been influenced in the exercise of their legal and official discretion.

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 February 1818.

From the year 1764 down to the last renewal of the Company's Charter in 1813, there has been but one opinion among the many eminently distinguished persons who, in the course of that period, have acted a prominent part, either in conducting the local administration in India, or in superintending and directing the Company's affairs at home, concerning the impolicy and danger of allowing Europeans (not in the King's or Company's service) in any considerable number, to resort to and settle in India. Not only has India never been considered and administered as a British colony, but the system applicable to this species of dependency has always, and justly, been regarded as singularly ill adapted to a country rich, populous and powerful in itself, and the inhabitants of which are so dissimilar from Europeans in their customs and manners, in their social institutions and religious belief, that any general and strict amalgamation of their respective opinions and habits can never be expected. But in proportion as facilities are needlessly multiplied to Europeans to proceed to and remain in India, we depart from those principles of policy which are consecrated by all authority, and we incur both the immediate inconvenience and eventual risk incident to a new system, which the wisdom and experience of the present and the past age have combined to deprecate.

Were we to bring before you all the facts, opinions and admonitions which might be collected from the Company's records connected with the subject in question, they would form a very voluminous document; but we take the liberty of soliciting your attention to a small selection of papers which we transmit as an Appendix to this Letter, and which will at once illustrate and corroborate the views which the Court entertain. We would also respectfully beg leave to refer to the valuable mass of authentic testimony to the same effect which will be found recorded in the Minutes of Evidence taken before the Committees of the two Houses of Parliament, preparatory to the last renewal of the Company's Charter. Considering the state of public opinion, and the measures which were in contemplation at that time, we cannot help thinking that the evidence then given may be received unreservedly as a vehicle of accurate information and useful instruction; and, in the judgment of the Court, it clearly establishes the following propositions:—

That the natives of India, though, generally speaking, weak in body and timid in spirit, are very susceptible of resentment, and of peculiarly quick sensibility in all that regards their religion and women.

That Europeans, particularly on their first arrival in India, are occasionally liable, from ignorance, to give involuntary offence to the natives.

That Englishmen, especially those of the lower order, are addicted to excesses disgusting to the natives, and which frequently lead to acts of violence and outrage; and that, in general, they are prone to domineer over and oppress the natives from a sense of their own personal and national superiority.

That the natives, if they have not the ready means to obtaining legal redress for the injuries which they sustain, will be disposed to take the law into their own hands.

That the natives, when aggrieved, will often be deterred from seeking legal redress by the distance of the Courts, the expenses attendant upon prosecutions, the difficulty of procuring the attendance of witnesses, and the delays of judgment.

That when legal redress is sought for injuries inflicted, the affinity of the country, language, manners and dress of the Judge with those of the person against whom the complaint is lodged, and possibly the social intercourse subsisting between them, will somewhat shake the confidence of the prosecutor in the justice of the sentence, when it does not exactly accord with his wishes and expectations.

That the frequent punishment of Europeans, although it may give to the administration of justice an air of impartiality, will tend to degrade their character in the eyes of the natives, and greatly diminish the respect in which it has been hitherto held.

That among the British residents in India there is a strong disposition to assert what they conceive to be their constitutional and indefeasible rights, a general leaning towards each other, and a common jealousy of the authority of Government.

That an unrestrained ingress of Englishmen into the interior of the country would be productive of the most baneful effects upon the comfort of the inhabitants and the peace of society, and would be fatally injurious to the British name and interests.

That the number of Europeans who gain admission into the interior, whether clandestinely or from misplaced indulgence on the part of the local governments, will always be proportioned to the number who are permitted to proceed from England or elsewhere to India.

That, notwithstanding the stipulation which has been introduced into most of the treaties subsisting between the Company and the principal native powers in India, by which the latter have agreed not to engage Europeans in their service without the consent of the Company's Government, it is very probable that inferior chieftains and jaghiredars, and even princes of more note, may employ such persons without its coming to the knowledge of the Company's residents, and very possible that Europeans may make their way into the native States, in spite of all the restraints which can be devised. And lastly,

That colonization, and even a large indiscriminate resort of British settlers to India, would, by gradually lessening the deference and respect in which Europeans are held, tend to shake the opinion entertained by the natives of the superiority of our character, and might excite them to an effort for the subversion and utter extinction of our power.

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Such were the concurring opinions delivered not five years ago by a considerable number of experienced, intelligent and able men, of whom some had acted a conspicuous part in the Government of India, and others had filled high situations under it. The Legislature was so far influenced by them as to restrict ships engaging in private trade from sailing without licenses, and from frequenting any other than the principal ports in India. Masters of ships were required, before the ships should be cleared, to prepare and deliver attested lists of all persons whom they might carry out with them, which lists were to be transmitted to the Court of Directors and to the Government of the place for which the ships were respectively bound. And the local governments were empowered, either to prosecute to conviction, or to send home in a summary way, all British subjects residing in India without licenses, or exceeding the terms of their licenses.

These were no doubt useful and necessary regulations, but they all, with the single exception of that which relates to the *terms* of the license, have reference to the circumstance of persons getting out clandestinely to India, not to their behaviour while there. We conceive that it is altogether vain to expect that Europeans may be permitted to throng to Calcutta, Madras and Bombay, and that they may also be prevented from procuring, by some means or other, access to the interior; and the consequences of such an admixture to the native population are easier to be foreseen than averted. It may, at least, be confidently affirmed that the result will not be the introduction of useful knowledge, and the advancement of moral and religious improvement among the natives.

There is one more consideration to which we must advert before concluding this letter.

A despatch has lately been received from Bengal communicating a memorial, signed by a great number of persons belonging to the class usually denominated in India 'Half-caste,' claiming redress for certain grievances under which they conceive themselves to labour. The memorial was addressed to Lord Hastings, and was, in consequence of the importance of the subject, submitted by his Lordship to the Governor-general in Council, who have taken it into their serious consideration, and given to it a very judicious reply.

The Court cannot but perceive among these memorialists indications of a spirit which, were it supported by numbers of their own description sufficient to form a strong physical force of themselves, or by power and influence to command an adequate physical force of aboriginal natives, might soon give birth to events which cannot be contemplated without alarm.

The half-caste will increase in numbers more rapidly in proportion as facilities are extended to Europeans to settle in India, and it is far from improbable that they may be supported in any pretensions they may set up by the bulk of those Europeans who are not in the civil or military service of the King or Company, whether they be persons originally born in Europe, or the descendants of European fathers and mothers.

Of the Europeans who proceed to India, few in proportion to their numbers can ever return to Europe as their ultimate residence. They will, therefore, be more likely to congregate in India, to form populous assemblies, and to fall in with any sentiments or project which may waken ideas of consequence, ambition, and independent government. In this view, every proceeding which would tend further to perplex and embarrass the Indian administration (already sufficiently complicated), and to accelerate a crisis which may happen notwithstanding the most prudent precautions on the part of the governing power, should, in the judgment of the Court, be carefully avoided.

We have thus, by desire of the Court, brought fully before you the view which the Court entertain of the meaning and intent of the provisions contained in the 33d clause of the Act of the 53d of the King, cap. 155, and the general principles upon which they have acted in disposing of the various applications which have been made to them under those provisions, from persons desirous to proceed to India. The certificates which have been granted by the special directions of the Board, in some recent instances of applications with which the Court had not felt themselves justified in complying, appear to indicate a disposition on the part of the Right honourable the Commissioners for Affairs of India to give a latitude of construction to the Act, which, in the Court's opinion, it does not fairly bear, and to dispense facilities from which, if multiplied, dangerous consequences may result.

We doubt not the subject will receive from you, Sir, all the consideration to which it is entitled from its importance; and it is the anxious wish of the Court, for the sake of the public interests, to obtain the co-operation of the Right honourable Board over which you preside, in the formation of regulations which shall, as far as may be practicable, define the grounds on which applications shall in future be either acceded to or rejected.

We have the honour to be, Sir, with great respect,
Your most obedient humble servants,

East India House,
27 February 1818.

John Bebb,
Jas Pattison.

V.

(Enclosure in Letter to the Right Hon. *G. Canning*.)

EXTRACTS relative to a more extended RESIDENCE of EUROPEANS in *India*.

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 February 1818.

Extract Bengal Revenue Consultations, dated 12th May 1775.

IN consequence of the request made by the Committee to deliver an opinion on the orders of the Court of Directors, and on a clause in the late Act of Parliament, Mr. Francis begs leave to give in his opinion. 13 Geo. 3, c. 63, s. 27.

Extract Mr. *Francis*'s Minute.

THE general principles which establish the necessity of such restrictions (of Europeans from holding lands) have not, in my opinion, lost any part of their force by the increase or confirmation of the British influence in Bengal.

1. If nothing but grants of waste lands were in question, it would still be an object of serious consideration, *first, to the British Government, whether or no it would be advisable to encourage colonization here.*

4. The soil of right belongs to the natives. Former conquerors contented themselves with exacting a tribute from the lands, and left the natives in quiet possession of them.

To alienate them in favour of strangers may be found a dangerous as well as an unjust measure. We cannot understand the arts of cultivation in this soil and climate so well as the natives. The landholder will consider us with jealousy and hatred, as the invaders of his rights and property. The ryots, attached by custom, religion and prejudice, to the authority of their ancient masters, will not readily submit to labour for new ones, to whom they are not bound by any natural relation of manners or religion, or by reciprocal obligations of protection and dependence. A few Europeans will be thinly scattered over the face of the country; the native inhabitants will desert it.

10. A measure which tends to throw the farming of lands into the hands of Europeans must, independently of every other consideration, be attended with difficulties prejudicial to the Company's revenues. The mode of collection in this country must at once be rigid, regular and summary. The natives have at all times been subject to the decisions of the Dewan, or of the Courts instituted by his authority. If British subjects, or their servants, are permitted to rent farms, there will be no way of recovering any arrears or balances due from them to the Company, but by instituting suits against the parties in the Supreme Court of Judicature; the delays and expense of such a mode of proceeding are obvious. It appears to me that, under such a system, the revenues could not be realized, the collections would universally fail, and in the end our possession of the country would be very precarious.

Mr. *Monson*.

IF the paragraphs in the general letter of the 17th March had been attended to, and the positive orders then given by the Court of Directors had been observed as invariable laws, I should not have found myself now in the unpleasant situation, either to censure the acts of the late administration, or to give a sanction to their conduct in opposition to the mandates of my honourable employers.

The question now before the Board, on which I am required to give an opinion, may be considered in a political view:

1st. *Whether it is for the interest of Great Britain to colonize in East India.*

2d. *Whether such a colony would be of advantage to the India Company.*

The migrations to countries believed to be the regions of wealth would be so considerable, that the mother country would soon feel the dire consequences of them.

Every person who comes into this country is impressed with the idea of making, in a short time, a very considerable independent fortune.

The means to be pursued for this end operate to the impoverishment and destruction of the country. If Europeans were allowed to hold farms, as their influence is great, they would in some degree oppress the natives, as in the instance now before us; such checks on the cultivation of the lands will occasion them to fall considerably under their value: besides, they are entirely unacquainted with the mode of culture in this country; the language, the customs and manners of the people are so dissimilar to theirs, that it is impossible for foreigners to cultivate on equal terms with the natives.

Their manner of life will not permit them to give equal profits to the Government with the natives, as their expense on every article of subsistence is more considerable; consequently, the Europeans will be in a worse condition than the natives, or Government must be satisfied with a less revenue from the lands, in order to enable them to live.

The few wants of the natives, who are satisfied with the mere necessaries of life, will allow them to pay larger taxes to Government from the same quantity of land, in the same state of culture, than an European can afford to do; it is evident, therefore, that it cannot be for the interests of the Company to allow Europeans to become landholders.

The uncultivated lands, under a mild and fixed government, might soon be brought into culture by giving premiums and making advances of money to the natives.

Providence has ordained, by her formation of the constitution of Europeans, that they should not become the cultivators of this country; they can only be taskmasters, and will enrich themselves, having no permanent interest here, to the prejudice of the natives, and to the loss of Government.

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Extract Bengal Revenue Consultations, 18 May 1785.

Extract Mr. *Shore*'s Remarks, accompanying Governor-general's Minute.

It is very obvious, that within the last 10 or 12 years, a considerable alteration has taken place in the manners of the people. This alteration is the natural consequence of a greater degree of intimacy with Europeans than they formerly were admitted to. Those parts of our character which first drew their attention were bravery, clemency and good faith; they have since found that we are not wholly destitute of weaknesses and vices, and that Europeans, like all others, are open to temptation. The respect they entertained for us as individuals, or as a nation, is diminished, and they now consider themselves upon a more equal footing.

The introduction of the Supreme Court of Judicature has largely contributed to the elevation of the natives, and to the depression of Europeans. This system, which was meant for the relief of the natives, has in very few respects answered that object. In many instances it has been a heavy grievance to them, and the natives themselves have found out the art of making the powers of the court the means and instrument of forwarding their own views of interest and oppression, of eluding the power of the Government, and of weakening its authority, by engaging the two tribunals in contests with each other.

Such are the inhabitants of Bengal over whom the European jurisdiction is established. Prudence may, no doubt, render it permanent, but prudence and policy alone can effect this, on a comparison of their numbers with ourselves.

Extract Commercial Letter from Bengal, dated 1st November 1788.

* Free Trade.

Para. 29. If the proposed * scheme were adopted, multitudes of Europeans would flock into the interior parts of the country; they would naturally possess themselves of the seats of the manufactures abandoned by the Company; eager competition must immediately arise; enhanced prices and debased fabrics follow. The weavers would receive advances from all, each would be ready to take redress into his own hands; disputes between merchants, as well as between them and the manufacturers, would be inevitable; and the country thus, in all probability, become a scene of confusion and disorder, which the distant situation and other avocations of the collectors would little permit them to rectify. How far a salutary freedom and extension of commerce would be promoted by such means, it cannot be hard to determine.

Extract Proceedings of the Board of Trade in Bengal, the 28th April 1789.

Read the following letter from Dacca.

To the Honourable *Charles Stuart*, President, and Members of the Board of Trade.

Gentlemen,

In my reply of the 21st February last to the address of the 8th December 1788 of Mr. Barnard M'Cullum and other Europeans of Dacca, I took occasion to question on general grounds, in opposition to the spirit of their address, the service which private European traders rendered to the country, or to its commerce, meaning its *internal* commerce.

The question I believe to be new upon the Company's records in India, but arguments partly applicable thereto are, in a wide field of policy, discussed in the 9th Report of a Committee in the House of Commons, to which my letter refers.

My particular opinions were formed from my observation and experience. I stated that they were not singular: when I asserted this, I alluded merely to conversations I had held with different intelligent men conversant with the country, and without knowing that any corroborative opinions had been published other than those which I have referred to in the 9th Report.

Since I transmitted my letter, I find that two men who filled high stations in this country, who were versed in its history, and conversant with its general state, who had deeply reflected on its revenues, commerce, resources and connections, have given to the public their opinions on the same question. These men are the late Colonel Dow, an officer bred up in the Bengal army, and Mr. Francis, formerly a member of the Supreme Council, and now a Member of Parliament.

That their opinions may officially come before you and the Governor-general in Council, and the Court of Directors, I beg leave to insert, as a part of this address, extracts from their publications, and to beg that the same may be considered as though I had introduced them into my reply of the 21st February.

Colonel Dow, in an essay, intituled, "A Plan for restoring Bengal to its former prosperity," after saying that every possible encouragement should be given to the export trade, proceeds†:

"Free merchants ought to be encouraged, neither must they be excluded from inland "trade, as that circumstance would place the subjects of Great Britain on a worse footing "than foreigners, whom we cannot, without violence, prevent from trading wherever they "please. Let, however, the residence of free merchants be confined to Calcutta, *as the* "*influence*

† *See page* 127, 3d vol. History of Hindostanee, by Col. Dow, published in 1772.

" *influence which all the natives of Britain have acquired over the inhabitants of Bengal is so* " *great, that the selfish can convert it into the means of oppression.*"

Mr. Francis, in an introduction to a publication, intituled " Original Minutes of the " Governor-general and Council of Fort William, on the settlement and collection of the " Revenues of Bengal, with a Plan recommended to the Court of Directors in January " 1776," says,

" *As a question at least it deserves to be considered whether it may not be essential, not only* " *to the internal prosperity of the country, but to its dependence on Great Britain, that the* " *Europeans in Bengal should be limited to as small a number as the services of the Govern-* " *ment will admit of.*

" The acquisition was made, and has hitherto been preserved by a British force which " has borne no proportion to that of the natives. Under a mild and equitable " government, under such a one as it is our own greatest interest no less than our duty " to give them, they are incapable of rebellion or defection. Their patience and submis- " sion to their rulers in the last twenty years are sufficient to show how much they can " endure. *On the other hand, as we increase the number of those who can only exist at the* " *expense of the country, we load our Government with useless weights, and add to its embar-* " *rassments without adding to its strength.*

" Whether these Europeans are directly employed or not in the service of Govern- " ment, there is no fund but the public revenue out of which they can derive a subsistence. " One way or other it is paid for by the country, and one way or other must become " chargeable to Government.

" Exclusive of public employments or contracts with the India Company, there is no " fair occupation for the industry of Europeans in Bengal. Every enterprize they engage " in, whether of foreign commerce or internal improvement, leads them into distress if it " does not end in their ruin. Even of adventurers pursuing every mode of acquisition that " offers, very few, if any, have succeeded. But these are people to whom no encourage- " ment should be given. *Their residence in the country, especially in the remoter parts,* " *harasses the people and alienates them from their natural habits of submission to any power* " *that protects them.*"

These gentlemen, it is probable, spoke from their own observation of the acts of violence which Europeans not immediately under the eye of Government, perhaps unknown to it, are prone to commit in the remote parts of the country. The actions of Mr. Bernard M'Cullum, and his confederates, sanction their opinions on this head. Mr. Francis takes a further broader ground, and states that Europeans in Bengal, beyond the number the services of Government required, are an useless weight and embarrassment to the Government, and injury to the country, and that they are people to whom no encouragement should be given.

I am, &c.

14 April 1789. (signed) *John Bebb*, Res^{t}, Dacca.

Extract Observations of the Court of Directors on a Letter from the Right honourable *Henry Dundas*, dated 16th February 1793.

It is moreover extremely desirable, and even of the last importance, to prevent individuals from interfering with the interior of India as much as possible.

Extract Letter from the Right honourable *Henry Dundas*, to the Chairman, dated the 15th April 1793.

The objection to it is, that inconveniences and perhaps dangers might arise to our Indian empire if such unrestrained intercourse was to be admitted, as might take place, if ships of that description were to be allowed to sail to India; and *I feel the weight of this objection very forcibly, from the opinion entertained by every body possessed of local knowledge with whom I have conversed, and who have all stated that the utmost delicacy is requisite in guarding against an unrestrained intercourse with the natives of India.*

After what I have now and throughout explicitly stated as my opinion *as to the consequence of preserving the European character in India, and the propriety of preventing a free and unrestrained intercourse with the natives of India, it would be superfluous for me to enter into any examination of the authorites referred to by the Court of Directors. I do not differ in those principles, and my proposing that both the Government and trade of India should continue to be conducted through the medium of the East India Company, entirely rests on the basis of those principles which have not escaped my most attentive consideration.*

Extract Letter from Marquis *Cornwallis* to Mr. *Dundas*, dated London, 7th Nov. 1794.

34. And I am strongly impressed with a conviction that *it will be of essential importance to the interests of Britain, that Europeans should be discouraged and prevented as much as possible from colonizing and settling in our possessions of India.* I look upon it to be highly expedient that it should be a fundamental principle in the new system, not only to relieve the corps of European troops frequently, but also to secure the return of all military men

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who may be entitled to any provision from the public to their mother country, by rendering all pensions and allowances to them after they are worn out or may have been permitted to retire from the service, payable to those only who shall actually claim them in Europe.

Extract Public Letter from Lord *Cornwallis*, Governor-General in Council, to the Court, dated 3d September 1792.

Letter to 8th February 1792.

(58.) One hundred and four persons permitted to proceed to India this season as free mariners. Desire our sentiments as to the expediency of allowing persons of this description to go out annually, and whether the commerce of the country or the Company's interests are promoted thereby.

37. This subject, which we deem of more than ordinary consequence, having been brought before us, we should ill discharge the duty you have assigned to us if we did not deliver our opinion upon it without the least reserve. *We shall not therefore hesitate in assuring you, that we think it extremely advisable under the present circumstances of the Company's trade and situation in India, that you should not only confine to very few instances every year (we could wish that the number should not exceed five or six, or at the utmost ten) your license to individuals to proceed to this country as free merchants or free mariners, but that particular care should be taken, when you grant it, that the persons on whom you bestow this mark of favour are from their characters entirely deserving of it.*

38. We beg leave to take this occasion to observe, that although many years ago a distinction may have been and we believe was maintained between those who visited India as free merchants, and those who came to it as free mariners, a distinction revived in late despatches from your Honourable Court, who have not often given licenses to free mariners; the habits obtained in a long period of time, and circumstances connected with the policy, upon which men vary in their judgments, of bounding the mercantile speculations of individuals or allowing them full scope, while the latter, which is certainly the most liberal, has seemed also to prevail in the opinion of men who wish well to the people of this country, have gradually brought upon a level the persons who came out with your leave as free merchants to exercise their discretion in trading from one part of India to another, or residing at any fixed place to engage in commerce, and the free mariners, whose license, according to the old and original intention, was limited to the maritime trade, in the pursuits of which they were themselves to travel from place to place, without being entitled by their covenants (as they were intended to be understood) to take up their abode and settle for commercial purposes in one part of India in preference to another.

39. It seems impossible to renew this distinction in practice, without exercising a very great degree of severity, which we believe not to be in contemplation; and we think, that although it were renewed, you could never be quite certain of its being rigidly adhered to.

40. The situations of free merchants and free mariners being thus supposed to be not dissimilar, it seems to be of little consequence whether the licenses be granted under one denomination or the other, but a restraint upon the number is extremely necessary, for there is not a part of India that is not principally inhabited among the Europeans by persons who are not upon the civil or military establishment of your service; many have not the means, and some not the inclination to carry on trade, and they become a burthen to the society in which they live.

41. It may certainly be said, that it were better to give an express authority to persons to trade in India, than that a great variety of people from England should be here without any license whatever; and we should admit the position if it stood by itself; but as it is very easily practicable to remove from the country all those who are in it without your permission, and those who have that permission sometimes assume rights and pretensions that are not perfectly justifiable, and cannot under their covenants be sent away but upon a notice of not less than 12 months, we hold a more direct control over the unlicensed European who may be forced to quit the country on a day's notice, than we are thought to possess over the man who produces his indenture to show that he trades on an authority superior to our own.

42. *There are many instances to prove the importance of your being perfectly satisfied upon sufficient evidence in England, as to the characters of the persons to whom alone your licenses should be granted.* A very recent case was lately before us, of a Mr. Michael M'Namara, who went to England in the year 1789, in consequence of an order from Government, upon a full assurance of his very improper conduct in different parts of Bengal. He probably stated his situation as deserving of compassion, and himself as much oppressed, and the humanity of the Court perhaps was interested to allow of his return. He came to Bengal with the indenture of a free mariner, and he had not been many weeks here when he brought forward the very same complaint of ill usage that had been rejected in 1789, after an inquiry, the result of which induced us to order him out of the country.

43. We have given Mr. Michael M'Namara notice that he must be prepared to leave Bengal at this time twelve months; and we trust that he will not be allowed to return to it.

Consultations, 1 & 24 April 1789, 20 August 1792.

44. The papers that have a reference to his complaints and conduct are recorded on our proceedings of the annexed dates.

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(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 February 1818.

Extract of Mr. *Dundas*'s Letter to the Chairman, dated 2d April 1800, respecting the Trade between India and Europe.

IT is immediately connected with the observations last offered, to consider by what agency is the trade of individuals in India to be carried on. If the question was to be decided on the principles of an open and free trade, the answer to the question would be, that every individual should send out or employ any agent he thought best to manage his own business. *But from what I have already stated, on a former point, you will anticipate my opinion on this*; *namely*, that *no agent should be employed in India, or permitted to reside there, except with the license of the East India Company, and subject to the control of such regulations as the habits, prejudices and trade of the country may render expedient.* In addition to every other consideration, arising out of the peculiar nature of the trade and manners of the country, there is one decisive circumstance against the tolerance of every unlicensed adventurer in India; it would rapidly, though insensibly, lead to the settlement and colonization of the worst kind of adventurers taking root in that country, than which there could not be a more fatal blow to the permanence of the British power and pre-eminence in India. *No principle ought ever to be tolerated, or acted upon, that does not proceed on the basis of India being considered as the temporary residence of a great British establishment, for the good government of the country upon steady and uniform principles, and of a large British Factory, for the beneficial management of its trade upon rules applicable to the state and manners of the country.*

Extract First Report of the Special Committee of the Court of Directors, dated 27th January 1801.

A CONTINUAL course of detached commercial adventurers would entail the residence of great numbers of Europeans abroad; many others would be tempted to resort thither in the hope of establishing themselves gradually; in consequence of these changes they would be enabled to strike out new modes of employment, and spread themselves in the country. Even now the Society of Merchants in India discover a wish to be emancipated from every material restraint; that spirit would live, and be more powerful in a larger society. Government then would find it a new and arduous task to maintain order and subordination. Every port in India would be accustomed to the visits of adventuring Europeans; connections between them and the country powers could hardly be prevented; part might go into the service of those powers; all could not expect fortunes to return; and those who saw no prospect of this kind would naturally commence colonization. That the rights and usages of our native subjects might not be encroached upon in its progress; that these people, though passive, might not be at length exasperated; and that they might not, from example, gradually lose their habits of submission to Government, no man can be warranted to deny; nor is it less probable that a vast mass of native subjects, thus put into a new state of agitation, a numerous European community, progressively enlarging its views with its importance, and the combinations of Indian politics influenced by and influencing these circumstances, might render it extremely difficult for this country to maintain, in that remote quarter, a government sufficiently strong and energetic to contain all these interests within their due bounds.

At a Court of Directors held on Wednesday, the 4th February 1801.

The following Resolutions were then read; and the Court approved thereof.

Resolution Second.—THAT it is equally the interest of the nation, and the duty of the Company, to guard against all principles and measures which, by an indefinite enlargement of the present channel of communication, in their nature tend to the introduction, immediate or gradual, of such an open intercourse, and its probable consequent colonization.

Eleventh.—That if to this aggregate capital, which may be termed the present maximum of the native stock of British India for a trade to Europe, it became a practice to add capital belonging to private residents in Great Britain, and transplanted to India for the purpose of forcing the productions of that country beyond the ability of its own means, this would be the introduction of one of the first principles of the Colonial or West Indian system; and if it were sanctioned, directly or impliedly, by any public regulation, it would tend greatly to extend the relations and intercourses between those countries, and this, as well as to supersede covertly, if not openly, the prohibition to Europeans to occupy lands there, which prohibition is already, in a variety of instances, dispensed with; and thus, without any certainty of ultimate commercial benefit to the British empire at large, a change would be commenced in the present system of Indian policy, which is allowed to be the best for the maintenance of those distant possessions.

Extract Letter from the Right Honourable *Henry Dundas*, to the Chairman, dated 21st March 1801.

UPON the First, *Second*, Third, Fourth, Ninth, Tenth, *Eleventh* and Twelfth Resolutions, I have only to observe, that my opinions entirely accord with the general principles detailed therein.

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Extract Report from a Special Committee to the Court of Directors, dated 25th March 1802.

In a letter from Lord Cornwallis, dated the 7th November 1794, his Lordship says, "I am strongly impressed with a conviction, that it will be of essential importance to the "interests of Britain, that Europeans should be discouraged and prevented as much as "possible from colonizing and settling in our possessions in India."

Extract Letter from the Right Honourable *Robert Dundas*, to the Chairman and Deputy Chairman, dated 28th December 1808.

Renewal of the Charter.

In the detail of any legislative proceedings which might be expedient on this subject, it would be absolutely necessary to guard against the abuses which would arise from facilities thus afforded to persons attempting to settle and reside in the British territories, without a license from the Company, or without the sanction or knowledge of the local governments.

Extract Letter from the Chairman and Deputy Chairman to the Right Honourable *Robert Dundas*, dated 13th January 1809.

But a more serious consequence than all these would still remain: a free trade to India would unavoidably draw after it the residence of numerous and continually increasing Europeans there, whatever prohibitions might at first be opposed to their settling in the country. When all restraint to the importation of ships and goods is taken off, men must be allowed to follow their property, and to remain at the place where they land it, till they have disposed of it; they must be allowed to navigate the Indian seas, and to return to the same place when their business calls them; they will thus insensibly, and with hardly reasonable grounds for opposition, domiciliate themselves, nor would an unsuccessful trade prevent them, but many would seek to indemnify themselves on shore for their losses by the voyage. The instances of such settlements will be numerous, and it will be impossible for any police to follow up the cases of individuals, and continually to exercise a rigorous system of exclusion. This has not hitherto been done, though attended with comparatively little difficulty, and the attempt would soon, under the new order of things, be abandoned as hopeless. Colonization must in such case follow. Large communities of Europeans will struggle for popular rights. New feelings with respect to the mother country, new interests and attachments, will then spring up; and in a region so remote, so rich and populous, and so accustomed to yield to the ascendency of the European character, the tendency and process of these things cannot be difficult to conceive.

Extract Hints approved by the Committee of Correspondence, and submitted to the consideration of the Right Honourable Lord *Melville*.

18. An unrestrained intercourse with India to be prevented, and the existing restrictions with respect to residence in India to be confirmed.

Extract Observations, by the Right Hon. Lord *Melville*, on Hints suggested by the Deputation of the Court of Directors, 3d March 1812.

18. *It will be indispensably necessary, for the purpose of guarding against the inconvenience herein alluded to, that the existing restrictions shall be continued,* with such alterations as may be requisite in the new system of trade.

Extract Letter from the Deputation to the Right honourable the Earl of *Buckinghamshire*, dated 15th April 1812.

Hints, 18.—Observations, 18.

The existing regulations, as to ingress and settlement of unlicensed Europeans into the Company's establishment and territories, to be continued. No British subject to be allowed to settle in any country within the Company's limits, and not under the government of the Company.

Hints, 25.—Observations, 25.

The maintenance of the Molucca Islands, which produce no valuable commodity but spices, occasions to the Company a heavy expense, and can only be compensated by a monopoly of their trade; and if private merchants are to participate in that trade, they ought also to bear a preportionable share of the charge of establishment in those islands. But the spice trade is not the most interesting consideration belonging to this question. If in any of the islands in the Eastern Seas not belonging to the Company, British subjects were to settle, (a thing which the Company, even if armed with legal powers, would find it difficult to prevent, after those seas should be open to all the ships of this country,) it would seem impossible to hinder them from obtaining by one means or other a supply of the teas of China,

for

(38.) Letter from Company respecting the Grant of Licenses to proceed to India; 27 February 1818.

for the purpose of being smuggled into Europe. That object alone might be tempting enough to induce a stttlement, where no other circumstance was sufficiently inviting. And if from this motive, or a concurrence of others which might be supposed, a number of Englishmen were once to unite themselves in that quarter, whither new individuals might continually resort, and whence again they might repair to all the ports of the Indian continent, it would seem scarcely practicable to preserve the efficiency of regulations formed, either here or by the Indian governments, for the exclusion of unlicensed persons from their territories. Such would be the danger especially of any British settlement in the Eastern Archipelago, not subjected to the government of the Company, a danger very seriously to be deprecated; and even in those held by them, as the Moluccas, if they were open to all British ships, it may well deserve consideration, whether there might not be some liability to danger of the same kind. On all these grounds it really seems advisable that British ships from Europe should not have access to the spice islands.

Extract Letter from the Right Honourable the Earl of *Buckinghamshire* to the Chairman and Deputy Chairman, dated 24th December 1812.

THE justice of the observations respecting the additional number of Europeans that would find their way to India in consequence of the extension of the trade, *must be admitted to a certain extent*; but it is obvious that this danger would arise from the extension of the export trade to India, and would scarcely be lessened by confining the import trade to the port of London. Every individual during his residence in India would of course be subject to the existing regulations of the local governments.

Extract Letter from the Chairman and Deputy Chairman to the Right Honourable the Earl of *Buckinghamshire*, dated 30th December 1812.

WITH respect to the resort of Europeans to India, if we do not misunderstand the scope of your Lordship's observations, it seems to imply that their numbers might be in proportion to the export trade from this country. If, indeed, they were to be regulated by this scale, our apprehensions would be the less; but we have no difficulty in acknowledging that, in addition to all our other arguments against admitting importations to the outports, we think that the granting of this privilege would increase the spirit of rash speculation from Great Britain and Ireland, and thereby the number of adventurers in search of fortune in India; for it is to be remembered that those adventurers would naturally seek for new establishments, even out of the Company's territories, and there endeavour to acquire real property.

At a General Court of the United Company of Merchants of England trading to the East Indies; held on Tuesday, the 26th January 1813.

That any unrestrained intercourse of Europeans with our Indian empire is highly to be deprecated: that the unlimited competition of commercial agents would, from the peculiar circumstances of the country, produce "a boundless scene of confusion and fraud, and ultimately the ruin of the manufacturers themselves;" and that tempting opportunities would be held out to the agents to maintain illicit intercourse with the native powers, and to conduct a dangerous system of communication with China from the eastern islands.

Extract Report of the Committee of Correspondence, dated 9th July 1813.

LET it never be forgotten, too, that the Indian people are concerned in this question. The Court have already, in their letters to Lord Melville and Lord Buckinghamshire, stated their apprehensions that the opening of the outports to imports from India might increase the resort of European adventurers to India. It has been advanced in return, from some quarters, that the police of India is so excellent as to obviate every danger of this kind. Your Committee are sorry to observe, that they find in the records of the Bengal Government informations concerning the police, which do not warrant them to conclude quite so favourably of it; for in fact, with all the progressive improvements in the system of the government there, they have not yet been able to bring the police into a state of perfect efficiency. The Fifth Report of the Committee of the House of Commons has entered much into this subject, and one quotation from the conclusion of it may suffice to justify this observation: "It does not, therefore, appear to have been from any want of information in regard to the imperfect state of the police, that the Government was unable to prevent its becoming worse; but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy."

Extract Letter from the Chairman and Deputy Chairman to the Right Honourable the Earl of *Liverpool*, dated 27th May 1813.

WE have stated, in our correspondence with the President of the Board of Commissioners for the Affairs of India, the ruinous consequences that would be produced by this great innovation.

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innovation. The course of evidence since adduced before the House of Commons, and through the protracted inquiries of the opponents of the Company, only just closed, has abundantly confirmed our statements, by showing

That a large influx of Europeans into our Indian territories (an influx which will unavoidably follow the permission of an open and general trade) must prove dangerous to the peace and security of those invaluable possessions, now so highly improved under the Company's administration.

At a Court of Directors, held on Wednesday, the 16th May 1815.

On a Motion, *Resolved*, That from and after the 1st July next, the number of Free Merchants to be nominated by the Court in one year be limited to eight, and that the nomination thereof commence with the chairman, the deputy chairman, and the six senior members of the Court.

(39.) Letter from the Right Hon. Geo. Canning; 22 August 1818.

(39.)—LETTER from the Right Hon. George Canning to the Chairman and Deputy Chairman of the East India Company, respecting Permissions to proceed to *India*.

Gentlemen, India Board Office, 22d August 1818.

N.B. It was dated 27 Feb., but not received till the 3d March.

The Letter which I had the honour to receive from Mr. Bebb and Mr. Pattison, in the month of March, on the subject of licenses to reside in India, has remained so long unanswered, and I have had so many opportunities in the interval of communicating with you personally on the subject, that I might perhaps feel inclined to abstain from any written answer, were not the letter itself necessarily matter of record, and as such liable to reference hereafter.

I acknowledge the importance as much as I feel the difficulty of the whole subject; but that part of it which alone can be usefully discussed between you and me, is of much less magnitude than the writers of the letter appear to have imagined.

The object of that letter was to remonstrate against the reversal by this Board of several refusals by the Court of Directors of applications for permission to resort to India.

By an account which I have obtained from the India House, it appears that there have been made to the Court of Directors, in the whole, 318 applications for leave to go and reside in India, since the beginning of the operation of the Act of the 53d. Of these 318, 231, or something less than three-fourths, have been granted by the Court; and upon them, as there has been no exercise of the authority of this Board, there has of course been no opportunity for a difference of opinion.

There remain 87 cases, in the course of near five years, upon which the Court have exercised their right of refusal, and upon which the Board have had imposed upon them the duty of reconsidering, and of either affirming or reversing, the Court's decisions. Of these 87 decisions, 68, or rather more than three-fourths, have been affirmed by the Board; 19 only have been either reversed or modified.

So far from thinking this an extraordinary proportion, I should rather acknowledge my surprise that any two authorities, or almost any two minds, applying themselves to the consideration of cases so various, and so little susceptible of being measured by any precise general standard, should in so few instances have come to different conclusions.

The only way in which a more complete concurrence could have been produced, would have been by the Board's treating the references to them as mere matter of form; as if the Legislature had intended these references for no other purpose than to reconcile the disappointed applicant to the decision of the Court of Directors. Some phrases in the letter to me might perhaps be construed as implying a wish that they should be so treated; but on this point the intention of the Legislature cannot be mistaken.

It is not to be denied that Parliament was led to apprehend the existence, in the Court of Directors, of a disposition, in respect to the granting these permissions, the very reverse of facility and profusion. If the number of permissions granted by the Court of Directors, compared with the number of their refusals, invalidates (as it undoubtedly does in a great degree) those suspicions on which the apprehension of Parliament was founded, it must be admitted, on the other hand, that the proportion of the affirmations to the reversals of the Court's decisions by the Board, affords proof of the extreme caution and reserve with which the Board has discharged its superintending and corrective duty.

The grievance specifically complained of by the Court being thus reduced to its real dimensions, the portion of evil of which that grievance is alleged to have been productive must be diminished in a corresponding degree.

Two hundred and thirty-one persons appear to have gone out to India in five years, by permission of the Court of Directors; 19 within the same period upon the authority of the Board of Control. Were there any question as to the *right* of the Board, the permitting 19 persons to go to India without the consent of the Court of Directors would be as objectionable as the permitting 1,900. But it cannot be intended seriously to argue, that the apprehended dangers to India would arise, not from the 231 strangers whom the Court of Directors have sent into that country, but from the comparatively trifling addition to that number which has been made by the Board of Control.

As to the general reasoning of the letter, therefore, I am afraid it will be found, on careful examination, to be directed, not against the conduct of the Board under the Act of the 53d, but against the provisions of the Act itself.

The

(39.) Letter from the Right Hon. George Canning; 22 August 1818.

The letter recapitulates the recorded maxims of old and able governors and magistrates of India, and refers to the opinions of those eminent servants of the Company who were examined before the Committee of the House of Commons on the renewal of the Charter in 1813. But it must not be forgotten, that all these arguments and authorities against laying open India to the influx of uncovenanted Europeans, were manifestly and notoriously brought forward to prevent the opening of the trade. Parliament, not in consonance to these arguments and authorities, but in spite of them, decided to adopt the measure. The resort to India allowed by the Act, either in furtherance of that measure or concomitantly with it, if it be an evil, is one which the Legislature with its eyes open determined to encounter, rather than leave the new experiment imperfect. Upon this point, therefore, neither the Court of Directors nor the Board of Control, whatever their own opinions of the expediency of the system may be, have any option but to carry into effect the intentions of the Legislature.

In every permission which the Board has given since I have held my present situation I have believed myself to be acting in conformity to those intentions. The few instances (and I have shown them to be very few) in which the decision of the Board has differed from that of the Court, have been, however, enough to show that cases will inevitably arise on which no previous agreement upon general principles could by possibility ensure an undeviating concurrence. I must also confess, that after maturely reflecting upon what is suggested in the letter of the 3d March, as to the advantages to be derived from such previous agreement, it appears to me liable to an objection which would more than counterbalance those advantages, inasmuch as by substituting a compromise in lieu of a revision, it would render the appeal from the Court to the Board altogether unsatisfactory for the purposes which the Legislature had in view. 27 February.

I have, &c.

The Chairman and Deputy Chairman. (signed) *George Canning.*

(40.)—LETTER from *P. Auber*, Esq. to *T. Hyde Villiers*, Esq., transmitting Statement of Number of Licenses to proceed to and reside in India, granted since 1814.

(40.) Letter from Peter Auber, Esq. to T. Hyde Villiers, Esq.; 4 February 1832.

Sir, East India House, 4th February 1832.

IN reference to your letter of the 30th December, I am commanded by the Court of Directors of the East India Company to transmit to you the accompanying statement of the number of licenses to proceed to and reside in India, granted by the Court in each year from 1814, the number of applications refused by the Court, and the number of the latter granted by the Board; with a general classification as to trades, &c. of the whole.

In reply to the Board's request for a statement of the general principles on which such licenses have been granted by the Court, I am directed to refer you to the letter from the Chairman and Deputy Chairman to the President of the Board, dated the 27th February 1818, as containing the views of the Court upon this subject at that time.

In his reply to that letter, it was remarked by Mr. Canning, that out of 87 applications up to that time refused by the Court, the Board had in 68 cases confirmed the Court's refusal, leaving 19 cases only in which the Court's decision had been modified or reversed. "So far" (Mr. Canning observed) "from thinking this an extraordinary proportion, I should "rather acknowledge my surprise that any two authorities, or almost any two minds, applying themselves to the consideration of cases so various, and so little susceptible of being "measured by any precise general standard, should in so few instances have come to different "conclusions."

Since the correspondence above alluded to, the number of applications refused by the Court has decreased by more than one-half in proportion to the number complied with, whilst the proportion of decisions reversed by the Board has scarcely exceeded that which Mr. Canning considered as less than was to be expected in such a case.

I have the honour to be, Sir,

Your most obedient humble servant,

P. Auber, Sec.

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(Enclosure.) - - - - - - - -

STATEMENT of the Number of LICENSES to proceed to and reside in *India*, granted by the refused by the Court; and of the Number of the latter granted by the Commissioners

	1814.	1815.	1816.	1817.	1818.	1819.	1820.
Advocates and Attorneys at Law, &c.	-	2	-	2	2	2	3
Agents	-	2	1	-	8	4	2
Apothecaries	-	-	-	-	-	-	-
Auctioneers	-	-	-	-	-	-	-
Baker	-	-	-	1	-	-	-
Bishop's College at Calcutta	-	-	-	-	-	-	-
Broker	-	-	-	-	-	-	-
Cabinet Maker	-	-	-	-	-	-	-
Carver and Gilder	-	-	-	-	-	-	1
Chemist and Druggist	-	-	-	-	-	-	-
Clerks, &c. Mercantile	-	1	-	1	4	3	
Coachmakers	-	-	-	1	3	-	-
Confectioner	-	-	-	-	-	-	1
Cooper	-	-	-	-	1	-	-
Dentist	-	-	-	-	-	-	-
Distiller	-	-	-	-	-	-	-
European Servants	-	-	-	-	-	3	-
Gardener	-	-	-	1	-	-	-
Grooms	-	1	-	-	1	-	-
Gunmaker	-	-	-	-	-	-	-
Horticulturist	-	-	-	-	-	-	-
Hotel Keeper	-	-	-	-	-	-	-
Indigo Planters	1	-	-	5	6	1	4
Jewellers	-	-	-	-	1	2	-
Leather Manufacturer	-	-	1	-	-	-	-
Linguist and Schoolmaster	-	-	-	-	-	-	-
Lithographic Printer	-	-	-	-	-	-	-
Midwife	-	-	-	-	-	-	-
Milliner	-	-	-	-	-	-	-
Miniature Painter	-	-	-	-	1	-	-
Miscellaneous	-	3	3	7	10	6	10
Mission College at Calcutta	-	-	-	-	-	-	2
Missionaries	4	7	8	9	12	18	3
Music Master	-	-	-	-	1	-	-
Musical Instrument Maker	-	-	-	-	-	-	-
Organist	-	-	-	1	-	-	-
Orphan Institution in Bengal	-	-	-	-	-	-	-
Partners and Assistants in Mercantile Establishments	-	5	6	14	14	8	11
Persons allowed to proceed to their Friends and Relatives	1	4	6	8	7	2	1
Persons permitted to reside	-	-	-	2	1	1	2
Pianoforte Maker	-	-	-	-	-	-	-
Portrait Painter	-	-	1	-	-	-	-
Private Affairs	3	10	10	9	7	4	10
Roman Catholic Bishop	-	-	-	-	1	-	-
Rope Manufacturer	-	1	-	-	-	-	1
Saddler	-	-	-	-	-	-	-
Sailmaker	-	1	-	-	-	-	-
Schoolmasters	-	-	-	1	3	1	2
Shipbuilders	-	-	-	1	-	-	1
Shopkeepers	-	-	-	-	-	-	-
Silversmith	-	-	-	-	-	-	-
Stablekeeper	-	-	-	1	-	-	-
Supracargoes	-	-	1	4	3	3	2
Tailor	-	-	-	-	-	-	-
Tanner	-	-	-	-	-	-	-
Tobacconist	-	-	-	-	-	-	-
Veterinary Surgeon	-	2	-	-	1	-	-
Watchmakers	1	-	-	-	1	-	-
Wine Merchants	-	-	-	-	-	-	-
Wine Cooper	-	-	-	-	-	-	-
	10	38	38	67	85	59	59

Memorandum.—This Statement does not include Females.

\- - - - - - - - (Enclosure.)

Court of Directors in each Year, from 1814 to 1831, inclusive; of the Number of Applications for the Affairs of India; with a General Classification as to Trades, &c. of the whole.

1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	TOTAL.
4	17	3	10	6	10	6	2	4	2	3	78
2	5	5	5	4	3	6	6	4	1	1	59
-	-	-	1	-	1	-	-	-	-	-	2
-	-	-	-	-	-	-	-	1	-	-	1
-	-	-	-	-	-	-	1	-	-	-	2
-	-	1	-	-	-	-	-	-	-	-	1
-	-	-	-	-	1	-	-	-	-	-	1
-	-	-	-	-	1	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	1	-	2	-	-	-	-	3
1	-	1	3	2	3	1	11	5	2	3	41
1	4	2	-	-	-	1	1	-	2	1	16
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	1	-	-	-	1	2
-	-	-	-	1	-	-	-	-	-	-	1
3	3	3	3	1	1	1	1	4	5	7	15
-	-	-	-	-	-	-	-	-	-	-	1
4	1	-	-	-	1	-	-	-	-	-	8
-	-	-	-	-	-	1	-	-	-	-	1
-	-	1	-	-	-	-	-	-	-	-	1
-	-	-	-	-	1	1	-	-	-	-	2
2	4	7	4	12	13	11	11	15	6	4	106
-	1	-	-	-	1	-	1	1	-	-	7
-	-	-	-	-	-	-	-	-	-	-	1
1	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	1	-	-	-	-	1
-	-	-	-	-	-	1	-	-	-	-	1
-	-	-	-	-	-	-	-	-	1	-	1
-	1	-	-	-	-	-	-	-	-	-	2
9	10	12	11	6	8	11	12	13	10	11	152
-	-	-	-	-	-	-	-	-	-	-	2
14	11	10	7	13	15	14	7	15	14	11	192
-	1	-	-	1	-	2	-	-	-	1	6
-	1	-	-	-	-	-	-	1	-	-	2
-	-	-	-	-	-	-	-	-	-	-	1
-	-	1	-	-	-	-	-	-	-	-	1
16	17	13	14	17	13	14	19	13	20	36	250
3	2	8	5	2	-	-	1	-	3	2	55
1	2	1	2	1	3	2	8	-	-	4	30
1	-	-	-	-	-	-	-	-	-	-	1
-	-	2	-	1	-	1	-	-	-	-	5
8	6	10	4	4	1	7	5	7	6	5	116
-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	1	-	-	-	3
-	-	-	-	-	1	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	-	-	1
1	-	1	1	-	-	-	1	1	1	-	13
-	-	1	1	-	-	1	-	-	-	-	5
1	-	-	1	-	-	-	-	-	-	-	2
-	1	-	-	-	-	-	-	-	-	-	1
-	-	-	-	1	-	-	-	-	1	-	3
-	-	-	-	-	-	-	-	-	-	1	14
-	2	-	-	1	1	-	-	1	-	-	5
-	-	-	-	1	-	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-	1	-	1
-	-	-	-	-	-	-	-	-	-	-	3
-	-	-	-	-	-	1	-	-	-	-	3
-	1	-	-	-	1	1	-	-	-	-	3
-	1	-	-	-	-	-	-	-	-	-	1
72	91	82	72	75	79	87	88	85	75	91	1,253

V.

Settlement of Europeans in India.

The preceding Account—*continued.*

	1814.		1815.		1816.		1817.		1818.		1819.		1820.	
	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.
Advocates and Attorneys	-	-	-	-	1	-	2	1	5	1	4	1	2	1
Agents	-	-	-	-	1	-	2	3	4	1	1	1	-	-
Auctioneers	-	-	-	-	1	-	1	1	-	-	-	-	1	-
Carpenter	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Chemist	-	-	-	-	1	-	1	-	-	-	-	-	-	-
Civil Engineer	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Clerks in Mercantile Houses	-	-	1	-	1	-	7	2	2	1	2	1	-	-
Coachmaker	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Cultivator of Sugar and Coffee	-	-	-	-	-	-	-	-	-	-	-	-	-	-
European Servants	-	-	-	-	-	-	1	-	4	1	2	-	1	-
Indigo Planters	-	-	-	-	-	-	-	-	2	-	-	-	2	1
Ladies	-	-	-	-	-	-	1	-	-	1	-	-	-	-
Land Surveyor	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Miscellaneous	-	-	1	-	5	1	1	-	7	-	3	-	3	-
Missionaries	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Musician	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Natives	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Partners and Assistants in Mercantile Houses	-	-	-	-	1	-	-	-	3	1	3	2	-	-
Persons allowed to proceed to their Friends and Relatives	-	-	1	-	4	-	3	1	5	1	3	-	1	-
Persons permitted to reside	-	-	1	-	1	-	-	-	3	-	2	-	2	-
Private Affairs	-	-	2	-	2	-	4	-	3	1	4	1	3	2
Sailmaker	-	-	-	-	1	-	-	-	1	-	-	-	-	-
Shipwright	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Soda-water Maker, &c.	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Supracargoes	-	-	-	-	-	-	1	1	1	-	-	-	-	-
Surgeon	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Surveyor and Architect	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	2	1	9	-	21	1	25	10	42	8	26	6	15	4

East India House,
31 Jan. 1832.

(41.) Letter to Bengal Government on Permission to hold Lands in India; 8 July 1829.

(41.)—Extract LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Revenue Department), dated 8th July 1829.

2. We now address you on a subject which, although it has not been brought regularly before us by any direct communication from you, is of so much importance, that we deem it imperative upon us to make you acquainted with our sentiments upon it without delay. We allude to the application which appears to have been made to you, on the part of certain merchants and indigo planters, to extend the power of holding land on lease for the cultivation of indigo; and the measures upon which you have resolved in consequence of that application.

3. You well know that the authorities in England, as well as your predecessors in the Government of India, have always regarded the question whether Europeans should be permitted to hold any permanent interest in land as one of the most serious in Indian policy; nor has there been any measure, in their opinion, which required more mature deliberation and cautious proceeding than one by which Europeans would be permitted and entitled to mix themselves with the natives, to acquire a power among them liable to abuse, and, at the same time, to acquire an interest which did not immediately depend upon the connection between India and England.

4. You have decided this important question for yourselves, and have carried your concessions upon it to an extent which, as far as we are at present informed, is almost unlimited; you seem to have done so without previous deliberation, and you have certainly done so without waiting the result of that reference to us, which upon a matter of this paramount importance it was your duty to make. There are undoubtedly questions of importance which must occasionally arise which will not admit of the delay of a previous reference to us, and when great advantages may be gained by a speedy decision; but this case was one in which nothing was to be gained by precipitation, and which every consideration should have dissuaded you from.

5. The

(40.) Letter from Peter Auber, Esq. to T. Hyde Villiers, Esq.; 4 February 1832.

1821.		1822.		1823.		1824.		1825.		1826.		1827.		1828.		1829.		1830.		1831.		TOTAL.	
Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.	Refused by Court.	Granted by Board.
3	-	1	-	-	-	2	1	2	-	-	-	-	-	1	-	2	1	-	-	-	-	25	6
-	-	-	-	-	-	2	2	1	1	-	-	-	-	-	-	-	-	-	-	-	-	11	8
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	1
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
3	1	1	-	2	-	2	-	3	-	3	-	3	2	1	-	-	-	-	-	-	-	31	7
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
8	1	4	2	1	1	-	-	1	-	1	-	1	-	1	1	2	-	-	-	-	-	27	6
1	-	-	-	-	-	1	1	3	-	-	-	-	-	1	-	-	1	-	-	1	1	11	4
-	-	-	-	1	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	3	2
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
2	-	5	1	5	2	-	-	2	2	1	-	2	1	4	1	6	-	8	-	-	-	55	8
-	-	-	-	-	-	-	-	1	1	-	-	2	2	-	-	-	-	-	-	-	-	6	5
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
3	-	-	-	1	-	-	-	-	-	1	1	-	-	1	-	1	-	-	-	-	-	14	4
6	-	4	-	1	-	1	1	3	-	5	1	4	2	3	-	1	1	1	-	-	-	46	8
1	-	-	-	-	-	-	-	1	1	1	-	-	-	3	1	1	-	-	-	-	-	16	2
-	-	1	-	1	-	-	-	-	-	4	1	-	-	3	2	-	-	-	-	-	-	27	7
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	1
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	1
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
28	2	17	3	14	4	8	5	17	5	17	4	12	7	18	5	13	3	9	1	1	2	294	71

(41.) Letter to Bengal Government on Permission to hold Lands in India; 8 July 1829.

5. The permission granted by you in 1824 to certain Europeans to hold portions of land on lease, for the purpose of making the experiment whether coffee could be advantageously cultivated in Bengal, cannot, and must not, be drawn into a precedent. The duration of the leases granted even for that purpose, we deemed unnecessarily long; but as the quantity of land applied for was limited, and a doubtful experiment stood in need of peculiar encouragement, we by our letter of the 10th September 1828, sanctioned the indulgence which you had thought expedient to grant. We also considered that the case of coffee was peculiar; a considerable outlay being necessary to form the plantation, and a number of years elapsing before it yields any return. A certain length of tenure is required by these circumstances for the profitable cultivation of coffee; but these circumstances do not exist with regard to indigo. The cultivation of indigo is annual, and a single year, or at most a few years, will indemnify the cultivator for the expense he has incurred. We observed, that at the time of granting the leases for the experimental cultivation of coffee, a strong line of distinction was drawn, and very properly, by the officers of your Government, between the case of indigo and that of coffee. By the Minute of Mr. Trower, under date the 25th of March 1823, we see that the utility of any lease to the cultivator of indigo was altogether denied.

6. But it is not merely because you have permitted the granting of leases to Europeans of too extensive a duration, that we disapprove the measure which you seem to have recently adopted. The Resolution of Government, under date 7th May 1824, passed on the occasion of the leases granted for the experiment of the coffee planters, laid down a system of rules which were very well adapted to obviate the evils and inconveniences which were likely to arise from the presence of Europeans as landholders among the native population of India. Among the securities thus provided, that contained in sec. 19 of the above-mentioned Resolution appeared to us of peculiar importance, as it enabled you at once to relieve the Government and the people from the presence of any person who might make a mischievous use of the privileges granted to him. This section, with the two which follow and are connected with it, you have most unadvisedly omitted in the Resolution to which we are now adverting.

7. Whatever may be the future misconduct of a planter which the ordinary operation of

V.

Settlement of Europeans in India.

the law may not reach (and you know to what an extent of annoyance and oppression such misconduct may proceed), you have left to yourselves, under the system which you have now adopted, no remedy but that of sending the individual out of the country; a remedy which ought not to be resorted to except in extreme cases, and the application of which to the case of an European leaseholder you have rendered peculiarly delicate, by not reserving to yourselves the power of cancelling, in the event of his misconduct, the lease you have given him the power of possessing.

8. We do not think it necessary to state at any greater length our opinion of the errors involved in the proceeding to which we are now referring. It remains, however, that we communicate to you distinctly the course which we desire you hereafter to pursue.

9. We direct that all the rules laid down and all the securities provided by the Resolution of Government, dated 7th May 1824, shall be strictly observed in the case of every permission granted to an European to hold land on lease for the purpose of cultivation.

10. Under these securities we do not object to your granting permission to Europeans to hold lands on lease in their own names, for the cultivation of indigo and other agricultural products.

11. The length of the leases must in all cases be regulated with reference to the nature of the cultivation, and must not be greater than may be necessary to afford the undertaker the prospect of a fair remuneration for the capital he may expend. The leases must not in any case exceed the duration of 21 years without a previous reference to us, and our express approbation.

12. It is not less important, in the case of the transfer of leases than in that of the original grant, that Government should be satisfied in regard to the respectability and good character of the individuals who are to hold them; and therefore the permission of Government must be rendered necessary to every transfer of a lease held by an European.

13. We trust that the extent to which Government may be committed by any actual engagements under the proceeding which we have thus been compelled to disapprove, will not be extensive at the time when this letter shall reach you. We doubt not that you will be anxious to retrace your steps as far as it is practicable; and we are sure it is altogether unnecessary to direct that your future proceedings relative to this important affair shall be regulated in strict conformity to the instructions you have now received.

14. The opinion we have intimated to you upon this important question has been formed by us deliberately, and is in entire unison with that of His Majesty's Government.

(42.) Letter from Bengal Government to the Court of Directors; 1 September 1829.

(42.)—LETTER from the Secretary to the Government of *Bengal* to the Secretary at the East India House, dated 1st September 1829.

Sir,

I AM directed by the Governor-general in Council to transmit to you, for the purpose of being laid before the Honourable the Court of Directors, copies of the under-mentioned papers, viz.:

1st. Memorial from the principal mercantile firms in Calcutta, praying an extension and modification of the rules under which Europeans were permitted to hold lands in the interior of the country for commercial purposes.

2d. Resolution of Government on the above memorial.

3d. Minute by Sir Charles Metcalfe.

4th. Minute by the Governor-general on the general question of giving increased facility to Europeans to settle in the interior.

2. The Governor-general in Council proposes at an early period to bring the subject of those papers to the notice of the Honourable Court, in a separate dispatch; and he hopes at the same time to be able to lay before them the result of the deliberations relative to the amendment of the law, in which the Government has for some time past been engaged in communication with the judges of the Supreme Court. But his Lordship in Council considers it proper that the Honourable Court should be put in possession of the above-mentioned Minutes without further delay.

I have, &c.

(signed) *R. M. Tilghman,*
Officiating Deputy Secretary to the Government.

(43.) Memorial from Calcutta Merchants to Bengal Government; 28 January 1829.

(43.)—MEMORIAL from the principal Merchants at *Calcutta* to the Governor-general in Council at *Bengal*, dated 28th January 1829.

My Lord,

THE various inconveniences experienced by indigo planters, from their inability to hold lands in their own names, have opposed such obstacles to the successful prosecution of their industry as could never have been compensated but by extraordinary fertility of soil and cheapness of labour. The losses resulting from the insecurity of lands held in the names of natives, from the failure of ryots who have received advances, to perform their contracts, and from the litigation and affrays they are liable to be involved in by the relations in which existing Regulations compel them to stand to such persons, are an unnecessary expense, which cannot be estimated at less than 25 per cent. on the total outlay, and a serious bar to all experimental improvements in agriculture. Notwithstanding the disadvantageous

(43.) Memorial from Calcutta Merchants to Bengal Government; 28 January 1829.

advantageous nature of the tenure, about one-third of the entire quantity of indigo plant is grown by the planters themselves, and two-thirds purchased on contract from ryots. The number of begahs appropriated to this crop is between 35 and 40 lacks.

The value of the indigo annually produced is from two-and-a-half to three crore of rupees, whereof perhaps two crore are expended in this country for rent, stock, wages, interest on capital, &c.; and a large portion, probably three-fourths of the balance, is remitted to England. Competition among planters has increased the cost of production from 80 to 100 per cent., so as greatly to reduce the superiority which this country has long possessed over the other countries from which Europe is supplied with indigo, namely, Manilla, Java, Caraccas, Guatimala, and the West Indies. The necessity of removing artificial obstructions, in order to secure the success of this most important branch of trade, and to promote the manifest interests of this country and of England, is thus continually rendered more urgent.

Until Parliament shall be pleased to apply a more adequate remedy to the disadvantages of our position, we are satisfied that there is no measure which would tend so immediately to give a new impulse to the trade, and to augment confidence in its stability, as the extension of the provisions of a Resolution passed by the Right honourable the Governor-general in Council, on the 7th May 1824, for the encouragement of the cultivation of coffee. We do therefore respectfully solicit that your Lordship in Council will be pleased to pass a Regulation, rendering the same provisions, with the exception of those contained in the 19th and 20th paragraphs, applicable to the cultivation of indigo and all other agricultural produce.

We have, &c.

(signed)

Palmer & Co.	*Bruce, Allan & Co.*
Alexander & Co.	*J. Scott & Co.*
Mackintosh & Co.	*Shedden & Co.*
Colvin & Co.	*Bush & Co.*
Cruttenden, Mackillop & Co.	*Stewart, Robertson & Co.*
Fergusson & Co.	*Bagshaw & Co.*
Trotter, Gordon & Co.	*Allport, Ashburner & Co.*

(44.)—RESOLUTION of the Government of *Bengal*, (Revenue Department), dated 17th February 1829.

(44.) Resolution of Bengal Government; 17 February 1829.

THE Governor-general in Council remarks, that the present restrictions on the occupancy of land by Europeans have notoriously failed of their purpose; and their effect in inducing a recourse to fiction and concealment has been manifestly injurious.

2. When the tenures are avowed, there will no longer be any difficulty in defining their extent and nature; and an essential security may be obtained against the fraud, inconvenience and litigation which the present system is calculated to occasion, and which must be alike injurious to the success of trade, to the peace of the community, and to the character of our countrymen.

3. Every day the great importance of facilitating the production and reducing the cost of articles of export from India becomes more apparent: but with the above opinion of the practical effect of the prohibitory system, it appears to his Lordship in Council unnecessary to dwell at length on such considerations.

4. They would indeed evince that the matter is one of great national interest; but apart from any such argument, the practical results of the prohibition seem to afford ample grounds for its discontinuance.

5. Although the provisions contained in s. 107, c. 155, of the 53d of his late Majesty, in regard to the administration of civil justice, seem to require explanation and amendment; and though the state of the law relative to the trial and punishment of criminal offences committed by British subjects in the more distant provinces is still more seriously defective; these circumstances do not appear to constitute any sufficient ground for postponing a compliance with the prayer of the memorial above recorded, since, as already observed, the measure appears likely in its consequences to diminish litigation, and to obviate the causes of violence and crime.

6. Actuated by the above sentiments, his Lordship in Council resolves that the Resolution of the 7th May 1824 shall no longer be confined to lands required for coffee plantations, but that the same principle shall be applied to all cases in which Europeans may desire to occupy lands for the cultivation of indigo or other agricultural purposes.

7. His Lordship in Council further resolves that the 19th, 20th and 21st sections of the above-mentioned Resolution shall be rescinded.

8. The rules contained in Regulation 38, 1793, and other corresponding Regulations, requiring only that before Europeans occupy land they shall obtain the permission of Government, no new enactment appears to be necessary; and his Lordship in Council considers it to be advisable to postpone any measure of that nature until the exigencies of the case shall be practically developed. In the mean time the above Resolution will sufficiently define the conditions on which the required permission is to be granted.

9. On the application of Messrs. Alexander & Co., relative to the Nujifgurh estate, his Lordship in Council deems it unnecessary to pass any special order, it being undesirable that Government should interfere with individual claims.

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Settlement of Europeans in India.

(45.)—MINUTE of Sir Charles Metcalfe, dated 19th February 1829.

CONCURRING cordially in the proposition for extending to Europeans, engaged in the cultivation of indigo, and in other speculations, the privileges already granted to coffee planters, I beg leave to submit my reasons for advocating that proceeding, as I am not quite satisfied with those stated in the Resolution of Government.

I have long lamented that our countrymen in India are excluded from the possession of land, and other ordinary rights of peaceable subjects.

I believe that the existence of these restrictions impedes the prosperity of our Indian empire, and of course that their removal would tend to promote it.

I am also of opinion that their abolition is necessary for that progressive increase of revenue, without which our income cannot keep pace with the continually increasing expense of our establishments.

I am further convinced that our possession of India must always be precarious, unless we take root by having an influential portion of the population attached to our Government by common interests and sympathies.

Every measure, therefore, which is calculated to facilitate the settlement of our countrymen in India, and to remove the obstructions by which it is impeded, must, I conceive, conduce to the stability of our rule, and to the welfare of the people subject to our dominion.

The proceeding now adopted being a step forward in what appears to me to be the right course, has my hearty concurrence.

The only objection that strikes me to the spread of a British Christian population in India, is the existing discordance of the laws by which our English and our native subjects are respectively governed. This objection will no doubt in time be removed, and the sooner the better, by framing laws equally binding on both parties, in all concerns common to both, and leaving to all their own suitable laws, in whatever peculiarly concerns themselves alone. The present system of judicature in India, by which the King's Court is rendered entirely separate from the local administration and institutions, and often practically subversive of their power and influence, is fraught with mischief; and that part of the system which makes our native subjects under some circumstances liable to the jurisdiction of the King's Court, under some to that of the Company's Court, under some to that of both, without regard to residence, or any clearly defined limitations by which our native subjects can know to what laws or courts they are or are not amenable, is replete with gross injustice and oppression, and is an evil loudly demanding a remedy, which can only be found in a strict local limitation of the powers of His Majesty's Court with regard to the persons and property of native subjects, or in an amalgamation of the King's Courts with the local judicial institutions, under a code of laws fitted for local purposes, and calculated to bestow real and equal justice on all classes of subjects under British dominion in India.

(signed) *C. T. Metcalfe.*

(46.)—MINUTE of the Governor-general, dated 30th May 1829.

(46.) Minute of Governor-general; 30 May 1829.

THE sentiments expressed by Sir Charles Metcalfe have my entire concurrence; and when we adopted the recent Resolution to permit the occupancy of land by Europeans, it was by no means my intention to rest upon that measure as a final one, still less that the grounds assigned for its adoption should be regarded as embracing the general question of the policy to be observed in respect to British settlers. Believing the diffusion of European knowledge and morals among the people of India to be essential to their well being, and convinced that the development of the natural resources of the country depends mainly on the introduction of European capital and skill, it has always been my wish and intention that the above question should be fully considered and discussed, and that the result of our inquiries and deliberations should be submitted at an early period to the authorities at home. But the resolution referred to did not seem to require that we should enter upon so wide a field: our immediate purpose was merely to enlarge the operation of certain rules already partially in force, and the effect of our determination will only be to permit that which is now done covertly, to be done openly. I feel however much indebted to Sir Charles Metcalfe for having thus brought the general subject before the Board, and I gladly seize the opportunity of recording the views and sentiments with which I regard it.

We need not, I imagine, use any laboured argument to prove that it would be infinitely advantageous for India to borrow largely in arts and knowledge from England. The Legislature has expressly declared the truth: its acknowledgment is implied in the daily acts and professions of Government, and in all the efforts of humane individuals and societies for the education of the people. Nor will it, I conceive, be doubted that the diffusion of useful knowledge, and its application to the arts and business of life, must be comparatively tardy, unless we add to precept the example of Europeans, mingling familiarly with the natives in the course of their profession, and practically demonstrating by daily recurring evidence the nature and the value of the principles we desire to inculcate, and of the plans we seek to have adopted. It seems to be almost equally plain, that independently of their influencing the native community in this way, various and important national advantages will result from there being a considerable body of our countrymen, and their descendants, settled in the country. To question it is to deny the superiority which has gained us the dominion of India:

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(46.) Minute of Governor-general; 30 May 1829.

it is to doubt whether national character has any effect on national wealth, strength and good government: it is to shut our eyes to all the perils and difficulties of our situation: it is to hold as nothing community of language, sentiment and interest, between the Government and the governed: it is to disregard the evidence afforded by every corner of the globe in which the British flag is hoisted: it is to tell our merchants and our manufacturers that the habits of a people go for nothing in creating a market, and that enterprise, skill and capital, and the credit which creates capital, are of no avail in the production of commodities.

It is possible, however, that the actual condition of things may be regarded by many as sufficiently satisfactory to render questionable the wisdom of any great change, of which the effects are not precisely anticipated; and probably the effects of the measure of giving increased facility to Europeans to settle in the interior, with permission to hold land, may be more generally considered to involve so much hazard of evil as to counterbalance its admitted advantages. Now what is the actual state of the country? Is it not true that the great body of the people is wretchedly poor and ignorant? Do we not every day perceive how little our officers possess the knowledge necessary to their good government, and how much there is wanting between them that community of sentiment and purpose, without which there can be no good government? Are not the files of our civil courts loaded with arrears of business? Does there not prevail so much lying and litigation as to prove either great defects in our tribunals, or a lamentable demoralization in the people, or more truly both? Is it not generally considered to be impossible, without a burthensome stipendiary police (almost as strange to the people as ourselves), to contrive the means of preventing the organization of gangs of plunderers, such as once spread terror through many of our districts? Do not the police establishments, which, chiefly from the want of courage and concord in our native subjects, are thus thought necessary for the prevention of crime, lord it oppressively over the communities of whom they ought to be the aids and instruments? Are not the native officers in all departments alleged to be guilty of much extortion and corruption? Do not the zemindars and revenue farmers often cruelly grind the cultivators? Do not several revolting and brutalizing practices still prevail among the people? Is there anywhere the prospect of our obtaining, in a season of exigency, that co-operation which a community, not avowedly hostile, ought to afford to its rulers? Is it not rather true that we are the objects of dislike to the bulk of those classes who possess the influence, courage, and vigour of character which would enable them to aid us? Do our institutions contain the seeds of self-improvement? Has it not rather been found that our difficulties increase with length of possession? In the midst of financial embarrassment, are we not constantly called upon for new establishments involving fresh burthens? Is not the agriculture of the country, in most places, conducted with a beggarly stock and without skill or enterprise? Are not its manufactures generally in a degraded condition? Is not commercial intercourse spiritless and ill-informed? Is there a single article of produce, excepting those which Europeans have improved, that is not much inferior to the similar productions of other countries, and can the difference be traced to circumstances of soil and climate? One great staple manufacture being supplanted, is there not reasonable ground to apprehend a failure in the means of effecting the returns, without which no profitable trade can exist, especially in a country tributary to another, as India is to England? Do not the cultivators and manufacturers and merchants alike labour under an oppressive rate of interest, which, with a languid condition of trade, unequivocally evinces poverty and want of credit? Is there not, as indicated in Sir Charles Metcalfe's Minute, imminent danger of our failing to realize the income which is necessary to maintain the establishments required for the protection and good government of the country, to say nothing of roads, canals, seminaries, and public improvements of every kind?

The answers to these questions must, I apprehend, be such as to imply that the present condition of things is far from being that with which we could justifiably sit down contented. They must equally, I am satisfied, if rendered in full sincerity and truth, evince that the required improvement can only be sought through the more extensive settlement of European British subjects, and their free admission to the possession of landed property.

No stronger argument can be adduced in favour of the present proposition than is exhibited by the effects which European skill and machinery have produced *against* the prosperity of India. In the last despatch in the Commercial department from the India House, dated 3d September 1828, the Court declare that they are at last obliged to abandon the only remaining portion of the trade in cotton manufactures, both in Bengal and Madras, because through the intervention of power-looms the British goods have a decided advantage in quality and in price. Cotton piece-goods, for so many ages the staple manufacture of India, seem thus for ever lost. The Dacca muslins, celebrated over the whole world for their beauty and fineness, are also annihilated from the same cause; nor is the silk trade likely long to escape equal ruin. In the same despatch the Court describe the great depression of price which this article sustained in consequence of the diminished cost of the raw material in England, and of the rivalry of British silk handkerchiefs. The sympathy of the Court is deeply excited by the Report of the Board of Trade, exhibiting the gloomy picture of the effects of a commercial revolution, productive of so much present suffering to numerous classes in India, and hardly to be paralleled in the history of commerce.

If all the ancient articles of the manufacturing produce of India are swept away, and no new ones created to supply this vacuum on the exports, how will it be possible for commerce to be carried on, and how can any remittances on private or public account be made to Europe? If bullion alone is to supply the balance, soon will the time arrive, when, under the increased value that scarcity must give to money, it will no longer be possible to

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realize the revenue at its present nominal amount. It is therefore the bounden duty of Government to neglect no means which may call forth the vast productive powers of the country, now lying inert from the want of adequate encouragement. It may be confidently asked, whether to the natives singly we may look for success, and whether any great improvement has been ever introduced not exclusively due to European skill. To those who so feelingly deplore the misery of the Indian manufacturer, it will be consolatory to know that a prospect exists of better days, with a hope also that her staple commodity, the cotton manufacture, may still be rescued from annihilation. Mr. Patrick, an "Englishman," is at this moment erecting a very large manufactory for the spinning of cotton-twist by machinery, to be moved by steam; and it is not irrelevant from the object of the present paper to observe, that these great works are erecting upon his own estate, held in fee-simple, under a grant from Warren Hastings. Hitherto the Bengal cotton has been held unfit for conversion into twist, but an improved kind has been lately cultivated, which it is supposed will be quite fit for the purpose. An improved species of tobacco has also been grown, bearing double the value of the native tobacco, and likely to vie with that of America. To whom again is the commerce of India indebted for these new resources in her commercial distress? To Englishmen only, is the triumphant answer. Specimens of both these articles have been sent to the Vice-president of the Board of Trade.

It remains to inquire whether the giving more facility to Europeans to settle in the interior, with the power of acquiring landed property, is likely to be attended with any, and what, hazard of evil. On this point I confess my present sentiments differ considerably from those I once held, and the circumstance makes me with the more confidence oppose myself to opinions held by persons for whom I cannot but entertain a sincere respect.

The apprehension of evil from the extensive settlement of British subjects in the interior of the country seems to rest chiefly on the supposed character of the natives, and on the assumed disposition and conduct of our countrymen. It has been stated that the former are exceedingly jealous of any interference by strangers, and singularly averse to change; and it has thence been argued that the frequent resort of our countrymen, while it would fail to produce any useful alteration in the habits and sentiments of the people, would almost certainly occasion alarm and discontent, if not disturbance.

The views of the native character in which such references have been founded must, I think, be now admitted to require considerable modification. I shall not dwell on facts drawn from their history under the dominion of our predecessors, nor on the various changes which Hindoo communities appear to have undergone, independently of any impetus from without. Yet the facility with which they have submitted to the successive conquerors of the country; the relation in which many of the most influential persons and classes among them have stood to foreign rulers; the habits which many of them have borrowed from the Moslems; the divisions existing among them; the rise of new sects in comparatively modern times; the frequent instances that are met with by our revenue officers of numerous village zemindars professing the Moslem faith, though they distinctly trace their origin to a Hindoo ancestor, and still retain the name and pride of high caste;—all these circumstances powerfully contradict the notion that there is something immutable in their sentiments and condition. Recent events, and the occurrences now passing under our eyes, still more clearly justify the persuasion, that whatever change would be beneficial for our native subjects we may hope to see adopted, in part at least, at no distant period, if adequate means and motives be presented. I need scarcely mention the increasing demand which almost all who possess the means evince, for various articles of convenience and luxury purely European; it is in many cases very remarkable. Even in the celebration of their most sacred festivals, a great change is said to be perceptible in Calcutta. Much of what used, in old times, to be distributed among beggars and Brahmins is now in many instances devoted to the ostentatious entertainment of Europeans, and generally the amount expended in useless alms is stated to have been greatly curtailed. The complete and cordial co-operation of the native gentry in promoting education, and in furthering other objects of public utility; the astonishing progress which a large body of Hindoo youth has made in the acquisition of the English language, literature and science; the degree in which they have conquered prejudices that might otherwise have been deemed the most inveterate; (the students in the medical class of the Hindoo college under Dr. Tytler, as well as in the medical native school under Dr. Breton, in which there are pupils of the highest castes, are said to dissect animals, and freely to handle the bones of a human skeleton); the freedom and the talent with which in many of the essays we lately had exhibited to us, old customs are discussed; the anxiety evinced at Dehli and at Agra, and elsewhere, for the means of instruction in the English language; the readiness everywhere shown to profit by such means of instruction as we have afforded; the facility with which the natives have adapted themselves to new rules and institutions; the extent to which they have entered into new speculations after the example of our countrymen;—the spirit with which many are said to be now prosecuting that branch of manufacture (indigo) which has alone as yet been fully opened to British enterprise; the mutual confidence which Europeans and natives evince in their transactions as merchants and bankers;—these and other circumstances leave in my mind no doubt that our native subjects would profit largely by a more general intercourse with intelligent and respectable Europeans, and would promptly recognise the advantage of it.

As to the practical effect, much must of course depend on the circumstances, character and conduct of the persons who might settle in the country. Let us then consider how far, on this head, there is any just ground of apprehension. It has been supposed that many of the indigo planters resident in the interior have misconducted themselves, acting oppressively

sively towards the natives, and with violence and outrage towards each other. Had the case been so, I must still have thought it just to make large allowances for the peculiar position in which they stand. They have been denied permission to hold lands in their own names. They have been driven to evasion, which has rendered it difficult for them to establish their just claims by legal means, or they have had to procure the plant required by them through a system of advances, which in all branches of trade is known to occasion much embarrassment, and to lead to much fraud. They have possessed no sufficient means of preventing the encroachment of rival establishments, still less of recovering their dues from needy and improvident ryots. Further, we must not forget that the restrictions imposed upon the resort of Europeans to this country have operated to compel the houses of business often to employ persons in the management of their concerns in the interior whom they would not have employed if they had had a wider scope of choice. It would not be wonderful if abuses should be found to have prevailed under such circumstances, or if the weakness of the law should have sometimes led to violence in the assertion of real or supposed rights. But under all the above circumstances of disadvantage, the result of my inquiries is, a firm persuasion (contrary to the conclusions I had previously been disposed to draw) that the occasional misconduct of the planters is as nothing when contrasted with the sum of good they have diffused around them. In this as in other cases, the exceptions have so attracted attention, as to be mistaken for a fair index of the general course of things. Breaches of the peace being necessarily brought to public notice, the individual instances of misconduct appear under the most aggravated colours; but the numerous nameless acts, by which the prudent and orderly, while quietly pursuing their own interests, have contributed to the national wealth, and to the comfort of those around them, are unnoticed or unknown. I am assured that much of the agricultural improvement which many of our districts exhibit may be directly traced to the indigo planters therein settled; and that as a general truth it may be stated (with the exceptions which, in morals, all general truths require to be made), that every factory is in its degree the centre of a circle of improvement, raising the persons employed in it, and the inhabitants of the immediate vicinity, above the general level. The benefit in the individual cases may not be considerable, but it seems to be sufficient to show what might be hoped from a more liberal and enlightened system.

It is imagined, however, that British subjects, if admitted freely to resort to India, and to occupy land, would colonise in great numbers; that, becoming too strong for the Government, they would violently invade the rights of the people, and at no distant period throw off their allegiance. It is supposed, in short, that we should have exhibited here results similar to those which occurred in the Americas; that the original inhabitants of the country would be subjected to violence and oppression; and that the colonists, if not swept away by insurrections of their own creating, would soon claim independence, and assume an attitude of hostility to England.

Now, without presuming to pronounce what the course of centuries may produce, under the great changes which British India is, I trust, destined to undergo, we may, I think, confidently assert, that there is no analogy to support the above anticipation of the effects which will flow from an increased facility to Europeans to settle in the interior of this country.

In respect to climate, India may be described as a tropical country, in which the European cannot safely labour in the field, excepting at particular times, and in which the Northern races appear, after a few generations, to lose much of their physical hardihood. The mountainous tracts, in which a more congenial climate is to be found, present no surface to support any large population. It is already, in all the districts that would invite the adventurer, a densely-peopled country. The land is in most places distinctly appropriated by individuals. The rights of private property are recognised not less clearly than in Europe, and the modes of transfer not less fully defined. Its inhabitants are industrious, accustomed to all kinds of severe toil, readily turning their hands to new arts, frugal in their habits, patient of exertion in the pursuit of gain. Living and rearing families upon little, in a climate suitable to their constitutions, they present to the manufacturer and the agriculturist a singularly cheap supply of labour. They seem to have a peculiar aptitude in accommodating themselves to the various tempers of their masters, and fidelity to their trust is generally held to distinguish them, even when otherwise ranking low in the scale of morals. In the more warlike classes, there is presented to the Government the means of maintaining a large force of excellent soldiers. In almost all classes, excepting the lowest, it may find able instruments of civil government. With strong local attachments, there is no feeling of patriotism to excite their enmity to strangers, or to bind them together in one common enterprise. Their paternal village is dear to them. The name of country, in a large sense, is unknown. Their religion (I speak of the Hindoos) is even more a cause of division among themselves than of separation from others. Rival sects may contend, but, undisturbed, they will never apparently find cause of hostility in the religious practices of those who profess a different creed. The spirit of Hindooism is exclusive, not offensive. These last-mentioned circumstances, which have in all ages rendered it comparatively easy to subjugate India, seem calculated to facilitate the settlement of our countrymen among them; but they must at the same time operate to prevent such settlement from assuming the shape ordinarily exhibited on the introduction of a new race into a country. While the Hindoo religion is maintained there can be no mingling of races, such as has occurred in other countries; and the line of separation would probably long survive after the original cause had ceased. The Christian rajpoot is not more likely to forget his origin than those who are now found professing the religion of Mahomed; and all the circumstances above enumerated appear to render it in the highest degree unlikely that Europeans would fill

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India in such numbers as to colonise, in the ordinary sense of the word, or as to acquire the power of setting Government at defiance; nor is it more probable that the habits and pursuits of the settlers would incline them to violence.

Without adverting to the difficulty of transporting any large number of labourers to so distant a country, India, I may remark, offers no advantage to the European who has only his labour to bring to market. In providing himself with the comforts necessary to his existence, he must here expend a sum that would much more than purchase an equivalent of native labour; and the comparative value of the latter must increase with improved skill and knowledge. In agriculture, the chief branch of national industry, and that on which the population mainly depends, it is impossible to economise labour to the same extent as in manufactures; especially where a tropic sun and periodical rains exert so powerful an effect on the vegetable world. And the climate must, in almost all our districts, confine the European husbandman to the work of general superintendence. In all branches of industry, indeed, it is European capital, skill and example which India requires, and for which she offers a market. European labour is not wanted, and could not be maintained. The settlers therefore must be men of capital and skill. They must consequently be few in number, contrasted with the population of the country. A labouring class who should attempt to settle would perish. There is no scope for wild adventure. The acquisitions of the settlers must be made in the face of an established Government, and under fixed laws. Wealth can be found only by industry working with superior skill or superior credit.

So far indeed from fearing too great an influx of Europeans, I confess my apprehension is that no encouragement we can hold out will induce them to resort to India in the number that seems to be desirable. Nor does there seem to be any sufficient reason to assume, that even if much more numerous than I conceive possible, they would be disposed, or if disposed, able, to resist the Government and oppress the people. He who looks to derive an income from such speculations as would occupy them, is not likely to find his advantage in scenes of violence and civil commotion. Excepting to the wild tribes, who can bear the climate of unhealthy fastnesses, there is no country in the world perhaps that presents fewer facilities to those who would enter upon a contest with the established Government, even though commanding the active co-operation of a considerable proportion of the people; and such co-operation could scarcely be looked for by those who had raised themselves by oppressive means. Ages indeed must elapse before the descendants of Europeans can be so numerous as to be formidable to a Government that consults the interests and possesses the attachment of its subjects, even supposing them to retain the vigour and distinctive characteristics of their ancestors. While they are few in number, no one seems to deny that they must side with the Government: and the argument I am contesting seems to admit that the natives will suffer from injustice only when the new settlers and their children are strong enough to set them and the Government at defiance.

But is there, in truth, any reason for considering the interests of the two parties distinct? have we not hitherto found, that where the field has been equally open, the accumulation of wealth by the natives has fully kept pace with that of our countrymen; nay, that the former, as being the most necessary to their joint concerns, and the most keenly alive to the means of forwarding his private interests, has generally had the advantage? Is it not extravagant to suppose, that within any period of time on which it would be reasonable to speculate in prospective legislation, the natives can be superseded by Europeans, or their co-operation slighted?

The whole indeed of the objections to the settlement of our countrymen which I have been now considering rest on a train of argument, in meeting which the chief difficulty is that of so stating it as to bear the semblance of sound reason. If an enemy to our faith and nation were to urge it, starting with the assumption that the Government would league with the settlers in a scheme of injustice and spoliation, one could easily imagine that he might find materials of plausible and insidious declamation; but it does seem to be strangely paradoxical when the same conclusion is drawn by an Englishman loving his country, and justly proud of it.

But it may be said that the danger lies in the union of the British settlers with the natives of the country; and this is a more intelligible ground of argument. It assumes, however, a vast change to have occurred in the frame of society, such as can scarcely be looked for in centuries to come; I might almost say a vast improvement, which would imply that the time had arrived when it would be wise in England to leave India to govern itself. For assuredly, if we suppose the distinctions of tribe and caste to have ceased, and conceive these rich and extensive regions to be filled with an united people, capable of appreciating and asserting political freedom, we must complete the picture by imagining that England has (voluntarily or involuntarily) ceased to withhold privileges she has taught them to exercise. So long, however, as our countrymen and their Christian descendants are few in number, and that must be for centuries, they must cling to the Government, even supposing, what is not likely, that they have no closer connexions with England. Nay, even community of faith and language, or of language alone, will, I conceive, tend to bind the possessors of it to our interests (if we do not utterly neglect theirs) by a tie stronger than that which connects the Hindoos of different castes and sects, and will, if they be numerous, greatly strengthen our hold of the country. The British settlers and their descendants, at least the more wealthy of them, will probably maintain a very close connexion with the mother country. Some will reside in it; many will visit it; many will send thither their children to be educated; many will look to it as the place of retirement from active life; all will depend upon it for much of their comfort and wealth. Their relation to the Government will be proportionably close. And that the residence in the interior of the country of any consi-

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derable number of such persons in the capacity of landholders and merchants would add to the efficiency and strength of our Government seems to me to be certain. They would open to us much useful information now difficult of attainment. The complaints of mismanagement on the part of the local authorities would be made with comparative freedom. The growth of discontent might thus be nipped in the bud; projects of disturbance would be more readily discovered; the local influence of our countrymen, and the sentiments of those who had acquired from them our habits, our language, our knowledge or our creed, would operate to break the current of any general feeling adverse to our rule. In each individual we should, on the occurrence of any emergency, have an active and well-informed agent for local purposes. Their number, though altogether feeble when opposed to the arms and unaided by the resources of the state, might powerfully reinforce our means of putting down internal or resisting external hostility. In the civil branch of Government, they would present a cheap and excellent substitute for much of the existing expensive and inefficient establishments. Our police might then really be founded on the only good foundation, the influence and authority of local residents. In our courts of judicature we might then hope to introduce, with comparative facility, the best institutions of our country. Can we doubt that they would add largely to the wealth of the country, and greatly facilitate the realization of the revenue necessary to its security and good government? or can we imagine that they would not powerfully contribute to the diffusion of knowledge, which would raise the moral and intellectual condition of our native subjects, and to the introduction of arts, machinery and works of skill, calculated to enlarge the productive powers and correct the physical disadvantages of the country?

I have not particularly adverted to the Mussulman portion of our subjects, because I do not imagine that any stress has ever been laid upon the class in the present argument, because it appears to me to be self-evident that an increase in the number of British or Christian inhabitants must diminish the risk of danger and trouble from them, and because I believe that, so long as they profess the intolerant doctrines of their prophet and remember the station they once held, their hostilitity can only be neutralized by their interests and their fears and by their knowledge of our power.

I do not of course overlook the circumstance, that in proportion as Europeans resort to the country in greater numbers, the increase of the mixed race must be accelerated. But this I by no means regard as a source of danger. Quite the contrary. The race in question must necessarily be much more closely connected with the nation of their fathers, by community of language, habits and religion, than with the people to whom their mothers may have belonged, among whom, if Hindoos, they must hold the lowest rank, and by whom, if Moselmens, they are little likely to be respected. It is, indeed, from association with the governing class that they must chiefly look for station, wealth and influence, within any period to which we can reasonably extend our speculations.

I am aware that there exists in many quarters an uneasy feeling in respect to the East Indians. It seems to me to be greatly misplaced. Their number is inconsiderable. The evident disposition of all who raise themselves to opulence and consideration is to take their place with Englishmen according to their rank. The lower classes are not politically to be distinguished from natives, excepting that, as Christians, they are of course nearly allied to us. That many individuals of the class are discontented and unhappy is, I fear, true. Their condition is in several respects an unhappy one. Their education has not, I believe, been hitherto, generally speaking, judicious. There has been little opening for their enterprise, and they have not shown much enterprise in using the opportunities afforded them. There are some striking exceptions, but these are themselves the first to admit the general truth. I should greatly rejoice to see a wider field opened for the industry and skill of the class in question; and such will, I think, be one of the happy effects of affording a greater facility to Europeans to settle in the interior and to occupy lands. Fathers will thus have the means of giving useful and profitable employment to their children to a much greater extent than they now have; and the wants of European settlers and their families will soon create various demands now unknown to the country, in supplying which the industry of all classes will find a ready market.

On whatever side therefore the subject is considered, the more does it present the prospect of advantage from the free resort of Englishmen to India. On one supposition only can I entertain the apprehension of danger. Undoubtedly, the presence of our countrymen, and the knowledge which they are likely to diffuse, will render the people more conscious of their rights and better able to understand the duties of their governors. Were it our purpose to pursue a course of injustice, to withhold from the people the privileges they may fairly claim and could advantageously exercise, to sport with their lives, their properties or their feelings, by arbitrary acts, by grinding extortion, or by capricious innovation, we should act most unwisely in permitting one British subject to enter the country, excepting as an accomplice in the scheme; we should be acting madly in spreading abroad the lights of knowledge. But our designs being benevolent towards India, let us not withhold what best would serve her. Our duty being to maintain the dominion of England, let us not reject the best means of confirming it. Our care being equally the interests of both countries, let us not exclude those who would best promote and combine them.

With the above sentiments, I must of course feel most anxious that the state of the law should be so amended as to oppose no obstacle to the settlement of British subjects in the interior. It is clear that if any large number of that class become proprietors of land, or reside for other purposes at a distance from the Presidency, many serious inconveniences may be experienced, unless they be subject, with the rest of the inhabitants, to the authority of the local courts. The defects in the legislative provisions relative to civil suits must there-

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fore be amended. The jurisdiction of the criminal tribunals now confined to trespass and assault must be extended. The doubts that attach to both branches must be removed. It would be the height of absurdity to argue, from the inefficiency of our existing institutions, against the admission of Europeans. The remedy, it is clear, is not the exclusion of these, but the reform of our system.

Further, it appears to be no less evident that the authority to be exercised by the Supreme Court should be better defined, and its process regulated. How this can best be done I do not now propose to discuss. Before leaving Bengal, I desired the secretary to prepare materials for our deliberation; and I hope soon to learn that considerable progress has been made in the work. My present impression is that the Supreme Court, instead of standing isolated from the Government and from the local tribunals, should be rendered a component part of our judicial establishments, the whole being remodelled, with many alterations, into one harmonious system; and that the Government (in conjunction possibly with one or more of the King's judges) should be vested with power to legislate equally for all classes, Europeans and native. By such a plan all difficulties might easily be conquered, and all the doubts and embarrassments now incident to the acts of a legislative body, separated by half the globe, would be obviated. But even should Parliament, in its wisdom, reserve to itself the power of legislating for India (the local legislature would in any event remain subject to the control of the home authorities), there may not, I trust, be any serious difficulty in obtaining the enactment of such laws as may afford to all classes equal protection, and as may secure for all the cheap and prompt administration of justice by able and independent judges adequately controlled.

(signed) *W. C. Bentinck.*

(47.) Letter from Bengal Government; 1 January 1830.

(47.)—Extract LETTER from the Governor-general in Council at *Bengal* to the Court of Directors (Revenue Department); dated 1 January 1830.

2. We propose to confine the present communication to the subject of your Honourable Court's despatch of the 8th July last relative to the permission granted to Europeans to hold lands in the interior of the country.

3. The papers transmitted to you on the 1st September last will have sufficiently apprized you of the sentiments entertained by the Governor-general and by Sir Charles Metcalfe respectively, in regard to the advantages to be anticipated from the freer resort of Europeans to this country, with increased facilities of acquiring the possession of lands. We have the honour of forwarding (numbers in the packet) copies of Minutes recorded by the Governor-general and by Mr. Bayley and Sir Charles Metcalfe, on a consideration of the despatch now acknowledged.

4. The Governor-general's Minute containing a full exposition of the scope and purport of the Resolution passed by us on the 17th February 1829, it appears to be unnecessary to trouble your Honourable Court with any detailed explanation on that point; and it can scarcely be necessary for us to expatiate on the benefits which England and India would, in our judgment, alike derive from the more extensive application of the skill, enterprise and capital of British subjects, to the improvement of the agricultural and commercial resources of the latter country. On that head there is, we imagine, but little difference of opinion; and the sentiments entertained by us are fully stated in the papers, of which copies will accompany this despatch.

5. It may be proper, however, to say a few words on the subject of that part of your despatch wherein you intimate doubts as to the utility of long leases on an assured tenure for the cultivation of indigo. After stating the circumstances which render a certain length of tenure requisite for the profitable cultivation of coffee, you observe that "these circumstances do not exist with regard to indigo. The cultivation of indigo (you add) is annual, and a single year, or at most a few years, will indemnify the cultivator for the expense he has incurred." This subject you will find particularly noticed in the 13th and 14th paragraphs of the Governor-general's Minute, to which we beg to refer you. The opinion entertained upon it by those connected with the trade is strongly expressed in the Memorial which led to our Resolution of the 17th February, and every information we possess induces the belief that they have not exaggerated the disadvantages to which they were subjected by the prohibitory law. The notorious fact that almost all the European planters found it necessary to rent lands in the name of their servants, subject to all the risks and embarrassment of such a proceeding, might be sufficient to establish the benefit of a legalized occupancy. The understood practice of establishments, belonging wholly or in part to persons born in the country, leads to the same conclusion; and a brief consideration of the nature of the trade and of the circumstances of the country, with the detailed explanations which your Honourable Court can readily obtain from gentlemen practically conversant with the subject, will serve to indicate the nature and extent of the benefits contemplated. Every magistrate in Bengal can attest the litigation and other demoralizing effects which have frequently resulted from the competition of rival factories; a competition which, instead of proving mischievous to the community, and often ruinous to the parties, would be greatly beneficial to the country if the indigo planters were generally permitted to stipulate for the possession and usufruct of defined fields; and so could give precision to their contracts with the cultivators, and provide the means of promptly enforcing their fulfilment. The experience of your Honourable Court in regard to that part of your investment which is provided by advances, will afford you the means of estimating the losses and difficulties to which an

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indigo planter is exposed, who has to trust to engagements with needy and improvident ryots for the produce of fields on which he is not allowed to have any legal lien, and the rent of which is payable to another, under the ill-defined relations of the zemindarry system. And where the native zemindars have turned their attention to this speculation, as they have of late years done to some extent, it is plain that the European is placed on a footing of great disadvantage, if denied the best, indeed the only means by which he can effectually and honestly counteract the intrigue, chicanery and fraud by which, in the present state of morals in the bulk of the native community, he must expect to be assailed. Even without any such influence or temptation it frequently happens, we are told, that the ryots take advances from two parties, and cultivate for neither: and the outstanding balances belonging to almost every factory that is exposed to sale may be taken as conclusive proof that large losses are sustained by their undertaking what they can not, or will not, fulfil. It is not surely necessary to suppose the exercise of any improper influence, in order to show that the planter would be able to make advances with much increased security, if standing towards the cultivator in the character of landlord, possessing a well-defined lien on the articles produced with his capital. The same cause would, we doubt not, greatly ameliorate the condition of the ryots; for if the planters did not grossly misapprehend their own interests, they would certainly, we conceive, pursue them through a course of fair dealing and liberality, since no one can hesitate in preferring the advantage of having to deal on terms of mutual benefit, with comfortable and cheerful people, well supplied with agricultural stock, and enjoying a just share in the fruits of their industry, to any speculation of forcing, through the employment of a host of native servants, a dissatisfied and beggarly tenantry to fulfil the stipulations of a hard-driven or unequal bargain; and in proportion as Europeans are allowed to hold lands on an assured tenure, we should confidently anticipate a gradual rise in the circumstances of the agricultural community, and the more adequate supply of agricultural stock, now generally obtained by the ryots at a ruinous charge of interest, and often but scantily supplied. Further, it appears to us that nothing could be more beneficial than the gradual relinquishment of the system of advances, under which it can scarcely be said that the cultivators are the owners of any of the produce raised by them; a system which cannot but lead to improvidence, carelessness and expense. Now this end will, we think, be greatly promoted by the more extensive occupation of land by Europeans and their descendants; and no class is likely to benefit more than the ryots by the increased value and certainty which will, we trust, be given to their rights and interests as the occupation of our countrymen is extended.

6. Your Honourable Court appear to doubt whether, in so far as concerns indigo, an improved tillage can be contemplated from the removal of the restrictions to the occupancy of land by Europeans. We understand, however, that even in Bengal many intelligent individuals already speculate on such improvement. We are not prepared to say how far skill and science can in this case be applied to an improvement of the process of culture and dressing land; but there are, we believe, extensive tracts, now of little value, which might probably be made productive by irrigation, or by the admission of the waters of the Ganges and other streams when loaded with alluvial deposit; and in Behar and the Western Provinces it is, we conceive, certain that planters would be disposed to ensure and extend irrigation by a considerable outlay of capital, if vested with an assured tenure under a long lease.

7. Your Honourable Court will best be able to judge how far the indigo trade of Bengal is liable to suffer from the competition of other countries. To whatever extent, and in whatever quarter the danger may exist, it is plain that of all means which can be taken for averting it, the best, indeed the only effectual one, must be sought in keeping down the cost of production. The high prices which have recently prevailed, however advantageous to individuals, have been consequently regarded by us with some anxiety: the evil of overproduction, though the individual loss is of course to be deprecated, may safely be left to work its own cure. But in a commercial view nothing could be more calamitous than to lose this great staple; and if there be the slightest ground for the apprehension of foreign competition, which some intelligent gentlemen have expressed, we can conceive nothing more mortifying and discreditable to the administration of this country than to discover, possibly too late for remedy, that, yielding to speculative fears, they had fostered the trade of our rivals by withholding from our countrymen the facilities which they required in order to preserve this important branch of national commerce. We shall most deeply therefore lament if it shall appear to your Honourable Court (contrary to our hope and trust) that paramount considerations require you to deny to the British settlers those privileges in regard to the occupancy of land by which they expect permanently and unobjectionably to diminish the expenses at which the indigo of Bengal and its dependent provinces is now produced.

8. We shall not further dwell on the advantages likely to follow the freer admission of Europeans to the possession of landed property; as already observed, they are, we imagine, generally admitted. The question how far the measures proposed to be adopted for the purpose of securing the contemplated benefits are likely to be attended with the risk of preponderating evils is one upon which a greater diversity of sentiment may be expected to exist. On that question, therefore, it may be proper that we should submit some remarks, in addition to the observations contained in the Minutes now and formerly transmitted to you.

9. In the first place, we may observe, that the circumstances of the country (at least of those districts in which Europeans are at all likely to settle) have greatly changed since the prohibitory rules were first adopted. In the provinces of Bengal, Behar and Orissa, a large

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portion of the zemindaries formerly held or managed by natives, has, you are aware, been transferred, by public or private sale, to persons having no hereditary connexion with the tracts of which they have so acquired the property or management. Of the purchasers many are inhabitants of Calcutta, who or whose families acquired wealth, either by commercial speculations, conducted in close communication with Europeans, or in the service of the Government under European superiors. The habits and notions of such men are necessarily very different from those of the persons whose tenures they have acquired. Several of them are well acquainted with our language; all are familiar with the system of our government; and the progress of education which, you are aware, has been singularly rapid among the Hindoo youth of Calcutta, will every day tend to create a community of sentiment between the natives and Europeans, and to remove impediments to their free intercourse. Already, indeed, we are informed, that there are instances of the employment by native zemindars of European gentlemen in the superintendence of indigo factories established on their estates. Generally, too, it is to be observed that in our old provinces the people have now long been accustomed to a plan of government, according to which every situation of importance and high emolument is vested in European officers, while the subordinate offices are generally held by men of their selection, guided by their instructions and example, or trained in the execution of laws wholly of our enactment. The interference of the European functionaries (direct or indirect) pervades every corner of their districts The character of the functions which they are required to discharge, whether as judges and magistrates in crowded cutcherries, or as collectors entering into detailed inquiries as to the minutest particulars of the rights and interests of the people, is equally calculated to do away that strangeness with which in new countries the Asiatic must necessarily regard the European. Our native officers are the creatures of our will. In many districts, too, the British settlers are already numerous. Howsoever multiplied, their residence could no longer occasion the fears and jealousies that might be supposed to follow the introduction of a race of strangers, even if the system of our Government, and the course of proceedings prescribed for its officers, had not operated to accustom the community to the European character. In so far as these observations are applicable, it seems to be clear that there is little room for the apprehensions that might be entertained if it were proposed suddenly to introduce a body of British adventurers into countries recently conquered or acquired, and still possessed by natives of influence and rank, reared under the despotic government of Indian rulers.

10. Even less reasonable do we consider the supposition that the possession of lands would be acquired by Europeans in a manner calculated to excite disturbances. Of all property it is the least likely to be wrongfully taken from its owner, excepting through the operation of bad laws, or laws badly administered; and as the eyes of Government, of its magistrates, and of the community, would be specially directed to the conduct of the European settlers, they are of all classes the least likely to be shrouded in the obscurity which must cover usurpations resulting from such a cause. Public sales in liquidation of arrears of revenue are in the Lower Provinces now rare, though numerous estates are advertised. The rules under which they are conducted are such as afford every reasonable security against abuse; and any abuse practised by or in favour of an European would be much more easily detected than malpractices to which natives alone were parties; since of the latter, generally speaking, our European functionaries can know little but the name. In the Western Provinces sales for arrears are now happily almost unknown. None are made without the express sanction of Government; and the errors and misapprehensions in regard to the rights and interests of the several classes connected with the land, to which mainly are to be ascribed the extensive alienations of property that occurred in several of those provinces, are, we trust, in a great measure corrected. It does not consequently appear to us that any argument against encouraging Europeans to settle in the interior, by granting to them the privilege of holding landed property, can be drawn from the unhappy prevalence of sales in former periods; on the contrary, the more we see reason to apprehend that our institutions have hitherto failed to secure the rights of the people, or that our native officers have oppressed or defrauded them, the stronger is our persuasion of the advantages of granting the privilege in question to our countrymen, because the presence of a considerable number of them in the interior of the districts must tend essentially to secure for our judges and collectors (if not wilfully blind) that information, to the want of which past failures must chiefly be ascribed.

11. We freely admit, that in proportion as European settlers multiply, the necessity of modifying the law relative to the administration of civil and criminal justice will be more urgently felt; but the changes which the utmost conceivable increase in their numbers would render necessary may, we conceive, be easily made without any essential alteration in the general system established for the administration of affairs. On this subject we shall have occasion at an early period again to address you. In the mean time it cannot, we conceive, be necessary to use any laboured argument to satisfy your Honourable Court that, with suitable laws, the servants of the Honourable Company will, under your directions and control, be found abundantly competent to meet the exigencies of the case, consistently with the best interests of England and of India. To imagine that the European settlers will violently invade the rights and disturb the possession of the natives in the face of established law, would be to admit a supposition equally discreditable to your Government and remote from probability. So far indeed from expecting that the admission of Europeans to the privilege of purchasing and holding landed property will prove injurious to the several classes connected with the land, we should confidently anticipate that the latter will gain decidedly, and in proportion as the competition extends, since every thing by which the land can be

rendered more productive, or by which the demand for it is enlarged, must be advantageous to the owners of it; and of land already owned and occupied, the European speculators must seek to acquire the possession by offering to those who now possess it advantages beyond what they at present enjoy, while their extensive acquisition of it, under the rules that have been prescribed (and independently of those rules), will, we conceive, tend greatly to promote the ascertainment, and consequent security, of the rights and interest of the ryots, and of all classes connected with the land.

12. If it be alleged that the power and influence of a landlord are liable to be abused, we must of course admit the truth; but we would submit, that in proportion as landlords are enlightened and capable of fully understanding and steadily pursuing their true interests, in the same proportion may it be expected that their conduct will be distinguished by kindness and moderation towards their tenants. We are not aware of any case in which an European possessing lands has been complained against by those holding under him (the affrays and litigation that are complained of have arisen chiefly out of causes which a legalized occupancy of land would obviate). It has been stated to us that instances are not unfrequent in which the tenantry of a village have in a body requested that the planter with whom they had dealings would take the farm of it; and knowing, as your Honourable Court well does, the oppresion often practised by the native zemindars and renters, and still more by their omlah, when the hereditary manager is, as they too often are, imbecile or profligate, we do not surely ask too much for our countrymen when we would have it believed that, by their admission to the privilege of holding land, the agricultural classes would generally be gainers.

13. It is no doubt true that in many places, especially in the Western Provinces, a careful advertence must be had, in all arrangements relating to landed property, to the peculiar local rights and customs connected with the law of succession, vicinage, and the usages of the several village communities. All such laws and usages it is one main object of the settlement now in progress to ascertain and record, on the basis of a detailed census and a field measurement. The result will, we trust, be such as to enable our officers distinctly to comprehend and maintain all the rights which the people possess or justly claim; and possibly in some cases they may prove to be inconsistent with the admission of Europeans to the possession of any beneficial interest in the soil: in such cases of course the privileges we have proposed to grant would be inoperative. In others, again, the interest which a stranger can acquire from the actual occupant, or from the renter, will be variously modified by the rights belonging to other individuals or to the community. But all such considerations equally apply to Christians born in the country, to Moslems in their relation to Hindoos, and to the different castes, tribes and families of Hindoos in relation to each other; and as a considerable number of villages in the Western Provinces are already held by gentlemen born in the country, there is no reason to conclude that they will be found to oppose any obstacle to the settlement of Europeans, though few of those probably will desire to settle in the remoter districts.

14. In the case in question, there seems to be no room for the misuse of that superior vigour of character and influence which may be supposed to attach to the British character, unless we admit the supposition of a misconduct on the part of those who have to administer and enforce the laws, inconsistent with all security for the persons and properties of the people. In all branches of commerce and industry, not affected by special restrictive laws, we find the natives and Europeans pursuing their several interests without anything like hostile collision; and if in such pursuits as require superior science, energy or credit, the advantage is on the side of the latter, it is an advantage fairly won by the superior knowledge and the higher morals that distinguish our country. This ground of distinction will, we trust, gradually be narrowed, and at length disappear; and on the other hand, the natives of India have many peculiarities which Europeans can never be expected to acquire, and which in several lines of life already give them the advantage in a competition with the latter. Already, too, landed property bears a high value in the market; instances, we understand, not being wanting of sales to natives at 20 years' purchase of the net rent. Excepting, therefore, in cases in which an European may see clearly the means of introducing some essential improvement, there can be no prospect of such extensive gains as will tempt to wild speculation. In proportion as the country improves and wealth accumulates, the value of land must be expected to rise, especially if, by an improved administration of the law, all classes shall be better maintained in the possession of their just rights, and in the enjoyment of the fruits of their industry; and the natives of the country may before long be expected to emulate their European neighbours in all improvements introduced by them, especially in agriculture. Supposing, therefore, for the sake of argument, that a large increase of European settlers would be disadvantageous, there is, we conceive, no reasonable ground for the notion that if the land be freely opened to their speculations, a crowd of adventurers of that class will resort to this country. And satisfied as we are that the best interests of England and India will be promoted by the free admission to the latter of European industry and enterprise, our persuasion is scarcely less strong, that with every possible encouragement, the settlement of our countrymen will fall far short of the number which is to be desired, whether regard be had to the extension of commerce and agriculture, to the good order of the country, to the prompt, cheap and equal administration of good law, to the improvement of the people in knowledge and morals, or to the strength and security of our power.

15. With the sentiments above stated, and those more fully explained in our several Minutes, we earnestly hope and trust that your Honourable Court and His Majesty's

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Government will see reason to relax the restrictions you have judged it necessary to impose on the admission of Europeans to the privileges of holding landed property.

16. We do not understand the orders now under consideration to have any reference to the unoccupied forests and islands of the Sunderbunds, on the subject of which we shall do ourselves the honour of reporting separately. You may of course rely upon our regulating our future conduct in regard to all other parts of the country by the instructions you have now given to us; and much as we must lament your disapprobation of the measures adopted by us, we have satisfaction in stating that the extent to which the Government is committed by any actual engagements under the proceeding disapproved by you, is altogether inconsiderable.

(48.) Minute of Governor-general; 8 December 1829.

(48.)—MINUTE of the Governor-general, dated 8th December 1829.

I AM desirous of recording some observations on the despatch which we have lately received from the Honourable Court, regarding the Resolution passed on the 17th February last, by which certain facilities conceded to Europeans in regard to holding leases for coffee plantations, under a Resolution passed by Government in May 1824, were, with somewhat modified conditions, extended to lands held for the culture of indigo and other products. But first it may be right briefly to notice the causes which prevented an earlier communication than was made to the Honourable Court.

2. It will be in the recollection of the Board, that when on the 17th of February we unanimously agreed to comply with the request made to us by the merchants, it was in the full persuasion that the measure would receive the concurrence of the home authorities. Their approval of the Resolution of May 1824, and of the measures adopted in regard to Saugor Island, their understood sentiments as to the vast importance of rendering India as far as possible the source of supplying the articles for which England is mainly dependent on foreign countries, which have since been so fully explained in their commercial despatches to this presidency and to Bombay, left on my mind no doubt as to the point. Prior to my assuming charge of the government, the above-mentioned Resolution had been in certain cases extended to lands required for the cultivation of sugar-cane and cotton, as reported to the Honourable Court in a despatch dated the 26th June 1828; and, as I shall hereafter more particularly notice, the recession of the 19th and two following clauses did not appear to me to involve any important consequences. Although, therefore, I must now regret that a copy of our Resolution of the 17th February last was not transmitted home immediately on its being recorded, and I propose that it be hereafter a standing rule separately to address the Honourable Court in all similar cases without any delay, it did not occur to me at the time to issue special directions on the subject. And Sir Charles Metcalfe having in his Minute of the 19th February entered on the general question of the settlement of British subjects in the interior, I was naturally desirous of placing upon record, with that paper, an exposition of my own views upon so important a subject; this I found it impossible to do with the care and deliberation which the matter called for, before the date of my Minute of the 30th May, having intermediately proceeded to the Straits of Malacca. I was of course anxious that those Minutes should reach the Honourable Court as soon as possible, but it was not less my wish that they should be accompanied by a statement of the views of Mr. Bayley; and as I understood the opinions of that gentleman to be favourable to the measure advocated by myself and Sir Charles Metcalfe, although he doubted the sufficiency of the existing law, and the strength of our judicial establishments, to meet the exigencies that would arise out of its adoption, I further wished that if possible we should at the same time lay before the Honourable Court the result of the deliberations relative to the amendment of the law, in which we had been engaged in communication with the judges of the Supreme Court.

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3. Finding that indisposition and the pressure of other business prevented Mr. Bayley from fulfilling his intention as soon as I had expected, and that the discussion with the Supreme Court was also likely to be protracted for some time, I directed the secretary to forward the papers already on record to the secretary to the India House; this I find was done on the 1st September last.

4. It appears to me that the Honourable Court have attached greater importance than a practical consideration of them requires, to the modifications made in the Resolution of the 7th May 1824, which they entirely approve in its application to coffee land, and the extension of which they have now authorized.

5. As I have already observed, that Resolution had been extended by my predecessors to the cultivation of cotton and the sugar-cane; and from the papers forwarded to them on the 1st September last, the Honourable Court will perceive that all the most important rules and conditions laid down in it have been maintained. The licence to hold land is still confined to persons duly licensed as to residence. In each case a special application is to be made to Government. The land to be held is in each case to be specifically defined; all rights attaching to it are as far as possible to be ascertained and recorded; all disputes are to be settled, and the European planter is still, as before, to be subject to the award of the revenue authorities. The tenure is still one of leasehold only: as to the period of the leases no new Regulation has been passed; and the Court having approved of the licence given to Messrs. Laruletta and Gordon, whose leases were stated to be for 99 years, no objection on that score was anticipated.

6. The rule laid down in the 19th clause of the Resolution appeared to Government to be needlessly harsh, and indeed altogether unnecessary. It was calculated to deter persons the best

best intentioned from availing themselves of the Resolution, and therefore practically to nullify it. It was fatal to the expectation of any improvement requiring a considerable outlay; and the Government having still the power of ordering the planter to the Presidency, or, if necessary, removing him from the country, and of preventing any other European from undertaking the local management, to whom there might be valid objections, the penalty of a forced sale, excepting in liquidation of demands against the planter, seemed to be quite uncalled for.

7. The 20th rule appears to me to be very unimportant when considered as a check on the European leaseholder; though in as far as it gives a general discretion to the Board of Revenue, which might even be carried the length of preventing the acquisition of leases applied for, its provisions were such as would naturally be objected to. The requisition of security beyond that which the tenure itself presented was not intended to be general, and cannot indeed, I conceive, be necessary, when the power of sale in the execution of any award under the previous rules, and of cancelling the licence to reside, still exists, and since no transfer of the lease can take place without the individual to whom it is to be transferred first obtaining such local licences.

8. The 21st rule could scarcely be applied under a Resolution of the character of that of the 17th February, having reference particularly to lands leased for the cultivation of a single article.

9. But though the 19th, 20th and 21st rules were cancelled, I do not, I confess, see how the inference which the Honourable Court have drawn therefrom, can be supported. The permission which the Government proposed to give to Europeans to hold leases, is conditional upon the fulfilment by the applicant of all the stipulations and conditions of the Resolution, by the 13th clause of which all proceedings held by the local revenue officers are to be reported to the Board of Revenue, who are only authorized to confirm the arrangement if all claims have been duly attended to and properly adjusted. It follows of course, that where the requisite stipulations had not been fulfilled, the Board would report to Government, and the permission granted to an individual would, in the event of the failure lying with him, be cancelled.

10. On the whole, therefore, as stated in my former Minute, the immediate purpose of Government was merely to enlarge the operation of certain rules already in force, and the effect of its determination could only be to permit that which is now done covertly, to be done openly.

11. From the nature of the forms to be observed, the understood sentiments of the Europeans most immediately concerned, and the known aversion of natives to any minute scrutiny by public officers, it appeared to be certain, that however ultimately beneficial, the measure would not come into extensive operation for a long time to come; and the sanction given by the Court to the arrangements adopted for the clearing of Saugor Island, their full approval of the Resolution of May 1824, and the instructions given by them to the Bombay Government, seemed to leave little doubt of its meeting with their concurrence.

12. This last hope has indeed been disappointed, but the anticipations of Government in respect to the limited extent to which the Resolution would be called into operation, have been more than realized. Six applications only have been received, of which five have been complied with, and one rejected in consequence of the applicant being desirous of obtaining a permanent and proprietary interest in the soil. The whole extent of land comprised in three of the five applications is 15,000 begahs.

13. The remarks of the Honourable Court relative to the peculiar circumstances of the coffee cultivation, are in the main just; but it is certain that several other articles require at least in an equal degree the security of an assured tenure and long leases. For the preparation of coffee no expensive buildings or apparatus are required; the berry may, I imagine, be dried on mats, and a moderate-sized godown would hold a large cargo. When gathered, it may be carried to a considerable distance without being injured; so that once fairly introduced, the article might probably be produced in spots of land scattered through the villages in the vicinity of the factory, and left to the care and ownership of the native. With indigo and sugar the case is different. For indigo a considerable outlay is necessary in the construction of vats and requisite buildings; still more expensive machinery may in all likelihood be required for sugar. The indigo weed will not bear carriage of many hours without injury, to say nothing of the expense of conveying so bulky an article; the same observation is in its degree applicable to sugar; and indeed, in regard to all articles, tobacco, silk and cotton, and others to which it is not applicable, it is obvious to remark how essentially economy and efficiency of superintendence (always a heavy item here) must be sacrificed by the distance of the places of growth from each other or from the residence of the superintendant.

14. I need not state how little, in estimating the advantage of long leases, we can refer solely to the particular crops intended to be raised, nor need I specify the various improvements necessary alike to every branch of agriculture, which can only be undertaken by persons possessing an assured tenure. But in respect to indigo, I must observe, that from all the information I have been able to collect on the subject, I am forced to conclude, that many if not all of the evils complained of, as incident to the extension of cultivation, have their origin in the insecurity of the tenure possessed by the planters; and I believe it will be found that just in proportion as they have been enabled to hold lands (though under the disadvantage of doing so in fictitious names), the disorders to which the Honourable Court have adverted have been of rare occurrence. To this subject we shall have occasion to advert more particularly when the returns that have been called for from the several magis-

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trates in the Judicial department are complete, and I shall not now enter further on the discussion.

15. On the general question of the policy of encouraging the introduction of European skill and capital in the production of articles calculated for the home market, I have already stated my opinion in my former Minute; I need not therefore repeat the arguments there stated, but there are one or two points connected with the discussion to which I am desirous here to advert.

16. The objections to the admission of Europeans into the interior of the country were originally urged, and justly urged, under circumstances very different from what now exist; and there can be no doubt that their intercourse extensively would have been offensive to most of the natives of rank and influence whom we found in the country on first acquiring it. Even the natives whom we employed in the administration of the country required time to become accustomed to our habits and mode of acting.

17. A great change, however, has now taken place, at least in this part of India. Here, excepting in rare cases and in tracts likely to be the seat of European speculation, we no longer employ in the public service natives of rank and influence derived from preceding rulers; we have long intermeddled in all the minutiæ of judicial and revenue management affecting the persons and property of our subjects; the present generation have grown up under and are accustomed to us; many indeed of the wealthiest and most influential are of our own creation, and are sufficiently conversant with the general habits and character of Europeans to benefit instead of suffering by the intercourse.

18. It would surely be very illogical to apply to such a state of things arguments derived from the structure of society and of government that existed under native rulers, and which for a time survived their fall.

19. Further, I would observe, that of all places in India, Bengal, independently of its having been the longest subjected to a regular English government, presents the least possible ground of apprehension from the settlement of Europeans, whether we look to the character of the inhabitants or the nature of the country.

20. Lastly, I would remark, that if the authorities in England entertain any alarm lest Europeans should be induced in any considerable numbers to resort to India, and to settle in the interior on the mere speculation of holding land with a view to the profits of rent, I have no hesitation in avowing my conviction that such alarm is wholly groundless. The European capitalist can, in my opinion, only find his advantage in India in the production of articles for the home market, or in affecting some great improvement, which accomplished, he will rarely find any advantage in retaining land merely for its rent. Such indeed is the value which I am given to understand natives set upon land, that I think it probable that they would be enabled to buy out all Europeans holding tenures in which some great improvement had not been made, or which were not held in connection with some valuable mercantile concern.

(signed) *W. C. Bentinck.*

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(49).—MINUTE of Sir *C. T. Metcalfe*, dated 13th December 1829.

(49.) Minute of Sir C. T. Metcalfe; 13 December 1829.

I CONCUR generally in the Governor-general's remarks on the recent orders from the Honourable the Court of Directors, regarding the encouragement offered to Europeans by the Government for their settlement in lands, with a view to the improvement of the products of India; and I have only to add the expression of my deep regret at the resolution of the Honourable Court to obstruct the establishment of Europeans in the possession of lands lawfully acquired, as I thoroughly believe that their unrestricted establishment is essential to the prosperity of this country, and necessary for the future security of our Indian empire.

(signed) *C. T. Metcalfe.*

(50.)—MINUTE of *W. B. Bayley*, Esq., dated 31st December 1829.

(50.) Minute of Mr. Bayley; 31 December 1829.

I REGRET that the Honourable Court of Directors should have seen reason to disapprove the measure adopted by this Government in February last, for permitting Europeans to hold lands on lease for the cultivation of indigo and other articles. The rules and restrictions with which that measure was accompanied, did not indeed correspond in all respects with those prescribed in the former Resolution of May 1824; but I concur with the Governor-general in opinion, that more importance has been attached to the modifications than they deserve, and that the rules which were retained, provided all the securities which were necessary.

2. In truth the remaining restrictions were abundantly embarrassing, and involved so much previous inquiry and the adjustment of so many minute interests, that the intended indulgence of Government would have been called into operation very gradually and less frequently than was to be desired.

3. But anxious as I am that much greater facilities should be granted with the object of encouraging

encouraging European British subjects to invest their capital and employ their skill in improving the products of India, I still feel that under the present state of our laws of judicial institutions, they could not be permitted to occupy extensive landed property in the interior of the country, except upon conditions corresponding with those which were retained in the Resolution of Government of February last.

(50.) Minute of Mr. Bayley; 31 December 1829.

Whenever the British Legislature shall see fit to declare that all persons, European or native, residing in the interior of our provinces in India, shall be subject to the same regulations and to the same local tribunals, civil and criminal; and shall, by the delegation of sufficient powers for that purpose, enable the British Government in India to modify and improve our judicial institutions to the extent which may from time to time be found necessary; from that moment the unrestricted admission of European British subjects, and the free permission to acquire and hold landed property on an equal footing with the natives of India, may be conceded, not only without inconvenience, but with the most important benefits to India as well as to Great Britain.

Even with the limited powers now possessed by our local tribunals to prevent or punish offences on the part of European British subjects, and with the obvious disadvantages which result from a divided jurisdiction, and from restrictions which go to encourage acts of fraud and violence, I am of opinion that the most solid benefits have resulted and continue to result from the residence and employment of European British subjects in the interior of the country, and that the mischiefs and inconveniences have in practice been of much less importance than has been commonly supposed. The measures sanctioned by Government in the Resolution of February last, would have operated, gradually but certainly, to diminish those inconveniences, and to extend and augment those benefits.

Concurring generally in the sentiments which have been expressed by the Right honourable the Governor-general and by Sir Charles Metcalfe, in regard to the great moral and political advantages to be anticipated from the extensive employment of British skill and capital in India; I will only say, that this object may, in my judgment, be safely accomplished without injustice or injury to the native inhabitants, and without exciting dissatisfaction on their part, provided always that the European British resident be subject to the same laws and amenable to the same tribunals as the native, and that the Supreme Government be vested with sufficient powers to modify and improve our laws and judicial institutions to the full extent which circumstances may render desirable.

(signed) *W. B. Bayley.*

(51.)—Extract LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Revenue Department), dated the 6th April 1831.

(51.) Letter to Bengal Government; 6 April 1831.

Occupation of Lands by Europeans.

Para. 1. We shall now reply to your letter dated 1st January 1830.

2. We have given to this letter and its accompanying documents that attention which the importance of the subject demands; but, on consideration, we are not disposed to suggest any other course than that which we communicated to you in our despatch dated the 8th July 1829; you will therefore continue to act implicitly on the instructions therein conveyed.

Government of opinion that the grant of long leases would obviate the necessity of Europeans renting lands in the names of their servants, diminish litigation, improve the condition of the ryot, enhance the value of land, supersede the system of advances, bring wastes under culture, keep down prices, avert the evils of foreign competition, and preserve the indigo trade to India. Government anticipate no evils from the free resort of Europeans to India, on the following grounds: that their being under the eye of Government is a guarantee for their good conduct; that education is progressive; that European agency already exists to a great extent; that no complaints have reached Government of the conduct of European holders; and because of the superior knowledge, and "the higher morals that distinguish our countrymen." If a free resort to India were allowed, Government think there would rather be a deficiency than a redundancy of European settlers. On all these grounds, Government urge the Court to relax their restrictive orders.

(52.)—Extract LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Financial Department), dated 2d April 1828.

(52.) Letter to Government of Bengal, on Intercourse with Native Inhabitants; 2 April 1828.

We feel great indignation at the facts disclosed in the statement recorded by your acting secretary, of the circumstances attending the failure of a mercantile house at Calcutta; from which it would appear, "that the house was long insolvent, and sold by a judgment bond to another firm, which supported it while it was gathering up, mostly upon credit, large quantities of produce of all kinds in the interior; and just at the moment when all had been collected, or was in transit to the Presidency, judgment was entered on the bond in the Supreme Court, and the whole community of the interior saw the goods they had provided, and looked upon as their security, torn from under their eyes, without hope of a fraction of their value being set apart to satisfy their claims. Unfortunately the failure of this firm, though the largest, is by no means the only one of the same kind."

We are not surprised that such transactions had the effect of irritating "the native community of the country against the European character and mode of transacting business," and we think that the law ought effectually to provide against these practices.

V. Settlement of Europeans in India.

We have thought it right to place the papers upon this subject in the hands of our law officers, for their opinion upon the present state of the partnership and bankrupt laws, as applicable to India; it being our intention to consider the propriety of applying for a legislative enactment, to remedy so far as may be practicable all existing defects, and to guard the Indian community against losses in their transactions with Europeans, whether arising from improper collusion, or from the failure of firms the partners in which may have transferred their property to England.

(53.) Letter to Government of Bengal, on Intercourse with Native Inhabitants; 6 August 1828.

(53.)—EXTRACT from Judicial Letter to *Bengal*, dated 6th August 1828.

Para. 10. THE lawless violence of Indigo planters in the interior of the country was strongly animadverted upon in the circular orders issued by Government on 13 and 20 July 1810; and we see with regret that it has not yet been repressed.

11. In some places these persons keep large armed establishments for supporting their claims by force, and they or their servants become involved in violent affrays or other breaches of the law.

12. The officiating judge of circuit, Mr. Steer, in his report after the first session for 1824, speaking of Dacca Jelalpore, says, "There is a class of persons very common in this district, and who are emphatically designated latteals, or bludgeon-men. They have of late years become numerous, their conduct extremely violent, and subversive of the peace of the country; they hire themselves out on occasions of affrays; sets of them are attached to almost every indigo factory, for the purpose of protecting its property and cultivation, but more especially to enforce payment of outstanding balances from the ryots, to secure and hold in seisin their crops, and not unfrequently to lay hold of and carry off the produce of neighbouring cultivators." This account is confirmed by Mr. Mitford, another officiating judge, and by Mr. Ahmuty, the chief judge of the Dacca circuit. In Mr. Ahmuty's letter to the registrar of the Nizamut Adawlut, dated 7th August 1823, we find the following passage: "Some of the indigo planters and their native servants, with a view to enforce their advances to the ryots for cultivation of the indigo plant, frequently have recourse to the most violent measures, without the consent of the landed proprietors, to take forcible possession of their lands, and to seize and confine the cultivators according to their option, which generally produce affrays, assaults and homicides in the mofussil, between the indigo planters and the zemindars, talookdars and ryots. Such cases are constantly brought for investigation before the Foujdarry court, and ultimately appealed to this court." Their misconduct and oppression in other districts were represented to you from Rajeshaye, Nuddea and Jessore, and petitions against them were presented to the Nizamut Adawlut.

13. In your letter of the 5th October 1826, you have brought to our notice certain proceedings in regard to complaints against Mr. Dunlop, an indigo planter in Jessore, the result of which however you say was not such as to justify your depriving Mr. Dunlop of his licence to reside in the interior of the country. We are by no means satisfied with those proceedings. It is clear that many charges of gross oppression had been made against Mr. Dunlop and his servants; some preferred to the magistrate, and others to the acting cultivator, but that very few of them had been fully investigated. In one case five servants of Mr. Dunlop were convicted of attacking a man's house, wounding him with a bludgeon and spear, and plundering him of property to the amount of 25 rupees; and they were sentenced each to imprisonment, with hard labour, for six months. There were several other cases, but they were dismissed, either because the evidence was not believed, or because they were not fully prosecuted. In regard to one of these, in which the servants of Mr. Dunlop were acquitted on a charge of setting fire to a man's house, forcibly destroying his crop, and sowing the ground with indigo, the acting magistrate says he was, nevertheless, strongly impressed with the belief that the outrages had actually been committed, and that he entertained not the slightest doubt of the prosecutor's crop having been destroyed, and the ground forcibly sowed with indigo. In one instance Mr. Dunlop or his servants appear to have been convicted of an act of illegal violence, but the case was not considered of so aggravated a nature as to render the accused parties liable to punishment; Mr. Dunlop was merely warned against the exercise of violence towards the ryots, and those who might have sustained damage from his acts were referred to prosecute for the same in the civil court. In transmitting his report, the magistrate adverted to a statement by the acting collector, who said it had been represented to him, in a place where a considerable number of Mr. Dunlop's factories were situated, that many of Mr. Dunlop's outrages were never brought to the notice of the court, and that the reason assigned was, that attempts to seek redress had been met by destruction of property by fire, and ruin and loss of character to the families of many, which deterred others from exposing themselves and families to similar risks. On this statement the acting magistrate remarks as follows: "That Mr. Dunlop's name does inspire terror into the breasts not only of the poor ryots in his vicinity, but even in those of the opulent zemindars, is a fact which I am sufficiently ready to admit, and that this terror must have its foundation in Mr. Dunlop's violence seems a legitimate inference; but I may be allowed to remark, that it might be the consequence of Mr. Dunlop's past conduct as well as of his present, and that it is for his Lordship in Council to determine whether a circumstance of this kind, or even the character for violence which is generally ascribed to Mr. Dunlop, is sufficiently definite to be received as proof against him." It was obviously of consequence to ascertain whether there was any foundation for the imputations of the acting collector, and whether in the particular cases referred to in the correspondence, the proceedings of the magistrate had been properly conducted. You justly remarked in a letter

a letter to the superintendant of police, dated 10 July 1823, that although the instances in which the magistrates had reported to Government their having taken cognizance of acts of violence committed by British subjects against natives, were not numerous, it could not thence be inferred that such acts were of infrequent occurrence. The mere fact therefore of nothing having been judicially proved against Mr. Dunlop in the Jessore court, without a full assurance that justice was effectually and equally dispensed in cases where that gentleman was concerned, would afford no presumption that he was not an unfit person to be allowed to reside in the interior. But if the official statements to which we have referred could be at all relied on, it was to be feared that the natives were not properly protected against him by the ordinary tribunals of the district.

14. There are other circumstances however respecting the same individual, which in our estimation are of importance, although you have not noticed them in your communication to us. In 1820, charges against Mr. Dunlop and his servants, for seizing, imprisoning, forcibly carrying away, beating, wounding and plundering the natives, were submitted to you by the magistrates of Jessore and Dacca Jelalpore, and those outrages had been complained of many years. The accused were in some instances punished, but the chief offenders escaped, because the charges were not prosecuted. The magistrate of Jessore said of Mr. Dunlop, "Such is his influence that a plaintiff is frequently intimidated by him from persevering in legal process, and it is for this reason that so many causes have been struck off the file." The magistrate of Dacca Jelalpore used similar language. In a report, transmitting a list of 15 cases against Mr. Dunlop and his assistants or servants, he said, "If further evidence is necessary to establish their continued exercise of such arbitrary measures and unvaried defiance of all legal restraint, I could transmit a list of perhaps a hundred of such cases, and it is notorious that the neighbouring district of Jessore has greater cause to deprecate the residence of these persons within its jurisdiction. Few of the complaints preferred against these British subjects have been brought to issue; a circumstance owing to the little respect the defendants have evinced to the orders of the court, and the easy means they possess of evading its processes." It certainly does not appear to us that the report furnished by Mr. Dawes, the acting magistrate of Jessore, in March 1821, was sufficient to give any reasonable satisfaction to Government that Mr. Dunlop was not implicated in any of the transactions referred to. We have not found any further report from that magistrate in regard to a case of great outrage charged against one of Mr. Dunlop's principal European superintendants; nor can we account for the little attention bestowed on the representation of the acting magistrate of Dacca Jelalpore, who applied for the removal of Mr. Dunlop and one of his assistants from the district, on the ground of their misconduct. You directed that officer to make a full inquiry into such of the cases as were still under investigation, and to submit afterwards to Government a report on the subject. We cannot however discover that any such report was made; and we find that, on the 28th December 1821, Mr. Dunlop, who it is to be observed had not our permission to be in India, applied for a licence to reside in Dacca Jelalpore, and that on the same day you granted it, without any reference whatever to the charges against him. We have observed with much regret this instance of remissness on the part of your Government. Adverting to the character and conduct of Mr. Dunlop, and to the experienced difficulty of controlling Europeans not in the service, when at a distance from the Presidency, you should not have given that individual permission to reside in the interior without due caution, and an ample assurance that by granting it you would not endanger the rights of the natives whom you were bound to protect. We think the Nizamut Adawlut should have been directed to send for the official proceedings from Jessore and Dacca Jelalpore, and to issue to the magistrate or court of circuit such orders as the several cases required. But when it was made known to you by the statement of the acting magistrate of Dacca Jelalpore, that in a great number of instances the most serious charges against Mr. Dunlop and his assistants remained uninvestigated only because the accused had evaded process, it was incumbent on your Government to take notice of so open a disregard of the obligations of public duty. This was a complete denial of justice to the natives, under a shameless pretence: it was quite impossible that the parties in question could have evaded the process of the magistrate unless from some criminal neglect or connivance of the public officers.

15. We desire to know whether Mr. Dunlop has the permission of Government to hold lands in Jessore. It is distinctly stated by the acting collector that he has not such permission; yet that he holds lands to a considerable extent. We conclude that when a direct violation of the law is thus brought to the notice of Government, it is your practice as it is your duty to take the necessary steps for its enforcement; but we are unable to discover that anything was done in regard to the above allegation against Mr. Dunlop.

16. In your Resolutions on the Dacca circuit report for the first sessions of 1823, you remarked that Government must look for the effectual suppression of outrages such as those which we have noticed, to the vigilance of the magistrates, and to their steady resolution to exercise with firmness and vigour the powers vested in them. But unless these officers happen to be particularly able and zealous, it is in vain to expect that they will discharge their duties so vigilantly and resolutely, without a constant superintendence: of the deficiency of the superintendence in the present instance there could be no doubt, if, as you believe to be the case, acts of violence were frequently committed by the indigo planters, notwithstanding the magistrates had, under the law, ample means of protecting the natives against them; if, with those means at their command, any of your public functionaries are found inadequate to the great purposes of their appointments, they should be removed, and men willing and able to execute the laws appointed in their room. We must here refer you to an occasion on which the acting magistrate of Dacca Jelalpore was manifestly chargeable with a neglect

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of duty, in regard to complaints made to him against an indigo planter and his dependents; instead of instituting an immediate inquiry and preventing injustice, he contented himself with ordering that the petitions should be recorded. For this neglect he was very properly censured by the judge of circuit, but neither the Nizamut Adawlut nor the Government appear to have taken any notice of his proceedings. As the degraded state of the administration of justice in Dacca Jelalpore required particular attention, we think you should have enforced the censure by your sanction, and pressed it upon the attention of the Nizamut Adawlut; for it is obvious that if the business of a district is conducted with so little regard to the due execution of the laws on the part of the magistrate, there can be no general protection of person or property.

17. An application having been made by Messrs. Palmer & Co. and other principal mercantile houses in Calcutta, in behalf of the indigo planters in Dacca, who were represented as aggrieved by certain orders of the Court of Circuit issued through the magistrate, the interference of Government was readily obtained with no longer delay than three days; the Governor-general in Council directed the Nizamut Adawlut to give such immediate instructions to the magistrate as should prevent him from giving effect to those orders, which appeared to Government to be equally unauthorized and injudicious. The planters must have known that they might have had an explanation or revision of the proceedings of the Court of Circuit, merely by petitioning that court at Dacca; and when they sought to attain their object by the help of powerful patrons at Calcutta, who could procure the direct interference of Government in their favour, it might have been presumed that they had some particular reason for so doing: we know no cause why the applicants in this case should not have been referred to the regular judicial authorities: the truth was the orders of the Court of Circuit were perfectly proper, although they had been misinterpreted by the magistrate. The Nizamut Adawlut, with their reply to the communication from Government, forwarded to you the explanations furnished by the Court of Circuit, and copies of two petitions which they had recently received containing many serious charges against the indigo planters. It certainly does appear to us that the wrongs of the natives, as set forth in these papers, were entitled to a degree of attention no less prompt than that which had been given to the interests and allegations of those whom they charged to be their oppressors; yet the subject was not noticed for six months; it was then intimated to the Nizamut Adawlut that the Governor-general in Council was satisfied that the representations contained in one of the petitions, which was anonymous, were grossly exaggerated: the satisfaction of Government on the acquittal of an indigo planter, in case of an affray mentioned by Mr. Ahmuty, the circuit judge, was also expressed, but no inquiry was made respecting the remaining allegations in Mr. Ahmuty's letter, and in the other petition, which was signed by 63 persons.

18. On your consultations of 12 April 1827, we find recorded an engagement which the magistrate of Dacca Jelalpore had taken from all the indigo planters in his district, beginning as follows: "Whereas it has come to the knowledge of this court, that at the time of cultivating, sowing and cutting the indigo-plant, the proprietors of indigo factories in this district are in the habit of assembling and temporarily entertaining in their service a number of men, inhabitants of this and other districts, armed with clubs, spears and other weapons, by whose aid they take forcible possession of disputed crops and lands, and cause serious affrays in which people are frequently killed or wounded, and by which the peace of the country is seriously disturbed: also, that these armed bands frequently watch the opportunity to commit decoities and other heinous offences." The party to the deed then engages, under a penalty of 3,000 rupees, that he will abstain from various acts of violence and oppression which are therein enumerated, and that he will submit to the laws.

19. As the planters were fully aware that the magistrate had no power to exact such an engagement from them, and as they might either have refused to execute it, or protested against it to the Government or to the Court of Circuit, the act must be considered as voluntary on their part; it is therefore with surprise that we have seen such an admission of their notorious criminality; but we cannot sufficiently express our concern on observing that a magistrate should have acknowledged, with seeming indifference, that the administration of justice in the district under his charge was in so feeble a state as is implied in this document; that instead of enforcing the laws, he should have had recourse to the device of penalty bonds to induce men to obey them; and that all this should be passed over by the Nizamut Adawlut and even by the Government without comment, as if it were a matter of course.

20. You have very properly directed that all cases in which a British subject residing in the interior has been guilty of violence, oppression or injustice towards the natives, in prosecution of indigo or other commercial transactions, shall be brought to your notice, and have declared that in every instance of a serious nature you will recal the licence under which the individual may be residing in the interior; we are of opinion, however, that every case of violent affray attended with aggravating circumstances, in which the servants of an indigo factory have been engaged, whether the European head of the establishment has been included in the charge or not, should be examined by the circuit judge, and that the superintendant of police should be required to furnish with his annual report a specific statement of those cases.

21. We desire to be informed whether the superintendant has ever supplied the reports required of him by your orders of the 9th March 1821.

22. Regulation VI. of 1823, having for its object the more prompt adjustment of disputes and enforcement of contracts for the cultivation of indigo, is very proper as far as it goes; and the remarks and orders contained in your letter to the superintendant of police, dated 10th July 1823, respecting the violence of the European planters, appear to us to be generally judicious; but if, as you admit to have been the case, the planters were frequently in the

habit of obliging the ryots to receive advances, and of adopting illicit and other improper means to compel them to cultivate indigo, it was of importance that the most effectual means should have been used to put a stop to such unwarrantable proceedings. We are of opinion that the discretionary power of Government in granting licences to Europeans to reside in the interior, and also the power vested in them by the provisions of section 3, Regulation XXXVIII of 1793, have not been exercised with that caution which the general conduct of the Europeans demanded, and that the proceedings of the magistrates have not been superintended with the necessary vigilance and severity.

(53.) Letter to Government of Bengal, on Intercourse with Native Inhabitants; 6 August 1828.

23. We direct that, immediately on the receipt of this letter, you prepare for our information a special report of the British subjects and other Europeans residing or holding lands or factories for the cultivation or manufacture of indigo in the several districts under your presidency; we desire to know the names and descriptions of those persons, and the nature and extent of their establishment, as far as it may be in your power to ascertain the same; you will state whether they have permission to hold lands, or to reside in the interior; and you will furnish us with a list and summary of all cases recorded in the civil and criminal courts, since 1810, in which they, or their principal or armed servants, have been concerned as plaintiffs or defendants, in regard to disputes connected with their indigo business. Finally, we desire to be distinctly told, whether, in the opinion of your Government, or of the judicial authorities generally, it is necessary, for the effectual subjection of the indigo planters and their servants to the control of law, that any further legislative provisions should be made in addition to those which already exist.

(54.)—EXTRACT *Bengal* Judicial Consultations, 24th March 1829.

(54.) Bengal Judicial Consultations, on Intercourse with Native Inhabitants; 24 March 1829.

No. 1. READ a Letter from the Honourable the Court of Directors in the Judicial Department, dated the 6th August 1828.

STATEMENT of British Subjects and other Europeans residing in or holding Lands or Factories for the cultivation or manufacture of Indigo, in the District of ——

Name.	Native Country.	Extent of Establishment.	Residing, by what Permission.	Have permission, or not, to hold Lands, and to what extent.	Summary of all Cases recorded in the Civil and Criminal Courts, since 1810, in which they or their principal armed servants have been concerned, as Plaintiffs or Defendants, in regard to disputes connected with the cultivation or manufacture of Indigo.

The Vice President in Council desires that an extract from paragraph 23 of the Honourable Court's letter be sent to the magistrates and joint magistrates throughout the provinces, directing them to furnish the information required, according to the form given in the margin.

(55.)—Extract LETTER from the Governor-general in Council at *Bengal* (Judicial Department), dated 8th September 1829.

(55.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 8 September 1829.

Letter from Court, 6 August 1828, paras. 10 to 23.—Violent affrays originating in the misconduct of European indigo planters or their servants.

Para. 5. WE are concerned to observe that your Honourable Court saw reason to be dissatisfied with the proceedings of Government in the instances noticed in these paragraphs, particularly in respect to certain complaints preferred against Mr. Dunlop and his servants, for acts of violence committed in the districts of Jessore and Dacca Jelalpore, during the year 1820.

Settlement of Europeans in India.

6. Adverting to the remarks of your Honourable Court in paragraph 14, on the subject of a licence having been granted to Mr. Dunlop to reside in the district of Dacca Jelalpore, notwithstanding the unfavourable reports of his character and conduct, it is proper to explain that the proceedings noticed in the general letter to your Honourable Court, dated the 5th October 1826, appear to have borne reference to the conduct of Mr. Alan Campbell Dunlop, whereas the licence granted on the 28th of December 1821 was granted to another individual named Alan Colquhoun Dunlop.

7. Mr. Dunlop, whose removal the magistrate of Dacca Jelalpore recommended in his letter of 18th July 1820, is represented in that letter as residing at that time in the district, under licence; and from the proceedings of the annexed date, it appears that he (Mr. Alan Campbell Dunlop) obtained leave to reside in that district on the 26th March 1819. Mr. Dunlop is reported to have returned to Europe in the year 1826.

8. We are sorry to find that the report called for from the acting magistrate of Dacca Jelalpore (Mr. T. D. Gordon) on the 1st December 1820, does not appear to have been furnished.

9. In pursuance of the opinion expressed by your Honourable Court, we have directed the Nizamut Adawlut to instruct the several magistrates and joint magistrates to submit to the commissioners of circuit, for their examination, every case of violent affray, attended with aggravating circumstances, in which the servants of an indigo factory may hereafter be engaged, whether the European at the head of the establishment shall have been included in the charge or not, and each of the commissioners has been desired to furnish a specific statement of such cases.

10. We beg leave to refer your Honourable Court to the documents noted in the margin, forwarded as separate numbers in the packet, for the information required in this paragraph.

11. The provisions of Regulation VI. 1823, and the state of the law affecting engagements for the cultivation of indigo, have been lately under our consideration; and a reference has been made to the Sudder Dewanny and Nizamut Adawlut on the subject, the result of which will be reported hereafter to your Honourable Court.

12. In the mean time the magistrates and joint magistrates throughout the provinces have been called upon to furnish, in a prescribed form, the details necessary to enable us to prepare the special report required by your Honourable Court in this paragraph.

(56.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 1 June 1830.

(56.)—LETTER in the Judicial Department, from the Governor-general in Council of *Bengal*, to the Court of Directors, dated 1st of June 1830.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

W. P.

Para. 1. Our last despatch in this department was dated the 18th ultimo.

2. In the 12th paragraph of our letter of the 8th September 1829, we informed your Honourable Court that the magistrates and joint magistrates throughout the provinces had been called upon to furnish, in a prescribed form, the details necessary to enable us to prepare the special report of British subjects and other Europeans residing in the interior, or holding lands or factories for the cultivation or manufacture of indigo, required in the 23d paragraph of your Honourable Court's letter, dated the 6th August 1828.

Criminal Consultations. 24th March 1829, No. 48.

3. The information was called for on the date noted in the margin; but up to the month of December the returns had been only partially rendered; and, in pursuance of the Governor-general's Minute, recorded on the 16th of that month, further information was called for from the local officers, and they, as well as the commissioners of circuit and the Nizamut Adawlut, were required to state their opinion, whether it is necessary, for the effectual subjection of the indigo planters and their servants to the control of law, that any further legislative provisions should be made in addition to those which already exist.

4. The returns received conformably to the foregoing orders are entered separately: the first series, from No. 1 to No. 98, in reply to the orders of the 24th of March; the second, from No. 108 to No. 262, in reply to those of the 29th December.

Appx. No. 60.

5. The whole are recorded on our proceedings of this date, and are herewith submitted as separate numbers in the packet, together with an Abstract Register, prepared in the secretary's office, with reference to the last series of returns received from the magistrates and commissioners of the several divisions.

6. It will afford satisfaction to your Honourable Court to learn from those documents, that the local officers generally entertain a very favourable opinion of the character of the European planters. They are represented as kind in their treatment of the natives around them; and, with few exceptions, the local officers do not consider any new enactments necessary for their subjection to the control of law.

7. The

(56.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 1 June 1830.

7. The Court of Nizamut Adawlut observe, that "the only measures calculated, in the judgment of the court to secure the proposed object, would be either to enhance the powers conferred on the justices of the peace by section 105, of the 53d Geo. 3, c. 155, or to make it lawful for the Government to appoint commissioners for the trial of British subjects charged with affrays, from time to time as occasions may arise for such proceedings. The court are, however, by no means prepared to advocate the expediency or necessity of either of those measures. The instances which have been brought to the notice of this court, in which British subjects have been personally implicated in cases of affray of a serious nature, have been rare. For the suppression of minor offences of this description, the magistrate, in his capacity of justice of the peace, is already armed with sufficient powers, while the establishment of any anomalous jurisdiction, authorized to inflict heavy penalties, without the intervention of trial by jury, would obviously be regarded with extreme jealousy, and be attended with many inconveniences."

8. Mr. Ross is of opinion, that British subjects residing out of Calcutta should be rendered amenable to the criminal laws of the country enacted by the Government, in common with the natives. He thinks, that in the very few instances that would occur of Europeans being brought to trial, a jury, composed half of natives and half of Europeans or descendants of Europeans, might even now be assembled; and that, were Europeans freely permitted to settle in the country, any difficulty in assembling a jury so composed that might at first be experienced, would soon cease to exist. The subject has engaged our serious attention, and we hope to be able to submit, in a very short time, the result of our deliberations, in concurrence with the judges of the Supreme Court, upon this very important question.

We have the honour to be, honourable Sirs,

Your most faithful humble servants,

(signed) *W. Bentinck.*
W. B. Bayley.
C. T. Metcalfe.

Fort William, 1st June 1830.

(57.)—Extract of a LETTER in the Judicial Department, from the Governor-general in Council at *Bengal*, to the Court of Directors, dated 9th November 1830.

(57.) Letter from Government of Bengal, on Intercourse with Native Inhabitants; 9 November 1830.
* Criminal Consultations, 9th June 1830, Nos. 1 to 32.

Para. 8. A MEMORIAL from the Indigo Planters of Jessore, and a representation from the house of Messrs. Alexander & Co. of Calcutta, are recorded on the annexed date*; these documents have reference to the Regulations in force relative to the cultivation of indigo, and the contracts between planter and ryot, which are represented by the above-mentioned parties as not affording a just or sufficient protection to individuals engaged in the culture of indigo, and praying therefore for some legislative interference on their behalf.

9. Regulation VI. 1823, was enacted with a view to support the indigo planters in their just interests in contracts with the cultivators who had received advances: adverting, however, to certain points noticed in the above documents, it appeared to us that some further provisions might be necessary to accomplish what was intended by the enactment of 1823. We therefore transmitted the whole of the papers to the Nizamut Adawlut, and directed the court to take the existing law relative to the transactions between indigo planters and ryots cultivating under engagements, into their consideration, and to report their sentiments on the propositions submitted in the application, and generally, on the best means of affording protection and security to the parties concerned.

10. Several other documents recorded on the same date, having reference to the question, were likewise forwarded to the Nizamut Adawlut.

11. On the proceedings above referred to are likewise recorded several reports respecting the disturbed state of the district of Dacca Jelalpore, originating in indigo transactions between rival factories.

12. The registrar of the Court of Nizamut Adawlut submitted the several Minutes of the judges of the Sudder Dewanny Adawlut, with the draft of a Regulation prepared by Mr. Ross, in the provisions of which the court concurred generally, though on the point of Europeans becoming landed proprietors the court declined giving any opinion. To these Minutes we beg to refer your Honnurable Court, as well as to the several documents connected with our proceedings of the date already specified, for the grounds on which we considered it advisable, after mature deliberation, to amend the provisions of Regulation VI. 1823, and provide more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant, in pursuance of which purpose we passed Regulation V. of 1830, the usual number of copies of which were transmitted to your Honourable Court.

V.

(58.) Letter from Nizamut Adawlut to Government of Bengal, on Intercourse with Native Inhabitants; 3 April 1830.

(58.)—LETTER from the Registrar to the Nizamut Adawlut, to the Secretary to Government, dated 3d April 1830.

Sir,

I AM desired by the Court of Nizamut Adawlut to acknowledge the receipt of your letters, dated the 29th of December and 23d ultimo, with the extract enclosed in the former from a letter from the Honourable the Court of Directors, under date the 6th of August 1828, requesting the court's opinion as to whether any further legislative provisions should be made, in addition to those already existing, for the effectual subjection of indigo planters and their servants to the control of the law.

2. In reply, I am directed to observe, that the only measures calculated, in the judgment of the court, to secure the proposed object, would be, either to enhance the power conferred on the justices of the peace by section 105, Act 53 Geo. 3, c. 155, or to make it lawful for the Government to appoint commissioners for the trial of British subjects charged with affrays, from time to time as occasions may arise for such proceedings.

3. The court are, however, by no means prepared to advocate the expediency or necessity of either of these measures. The instances which have been brought to the notice of this court, in which British subjects have been personally implicated in cases of affray of a serious nature, have been rare. For the suppression of minor offences of this description the magistrate, in his capacity of justice of the peace, is already armed with sufficient powers; while the establishment of any anomalous jurisdiction, authorized to inflict heavy penalties without the intervention of trial by jury, would obviously be regarded with extreme jealousy, and be attended with many inconveniences.

4. Mr. Ross directs me to submit, for the consideration of his Lordship in Council, the accompanying copy of a Minute, which he has deemed it necessary to record on the present occasion.

I am, &c.

Fort William, 3d April 1830. (signed) *W. H. Macnaghten*, Registrar.

(59.)—MINUTE by Mr. *Ross*.

(59.) Mr. Ross's Minute, on Intercourse with Native Inhabitants; 1 April 1830.

IN the remark contained in the 3d paragraph of this reply to the Judicial Secretary's letter, viz. "that British subjects are rarely charged with the commission of serious affrays," I entirely concur; and it should be added, that *they are even more rarely charged* with the *commission* of *offences* of *any other kind*. I am of opinion, however, that British subjects, residing out of Calcutta, should be rendered amenable to the criminal laws of the country enacted by the Government, in common with the natives. The tribunals appointed to administer those laws, if competent to administer them justly to the natives, and to Europeans not British subjects, must surely be considered competent to administer them also to British subjects.

British subjects, choosing to reside within the jurisdiction of the country tribunals, could not object to being rendered amenable to them, on any other ground than that of their defective constitution or character; but that is an objection which might be urged against them with more reason by the natives, who cannot withdraw from their jurisdiction; and it is one which, if well founded, may be and ought to be removed.

A British subject, brought to trial for a serious offence before a court of circuit, might have the option of being tried by a *jury*; and indeed the same option might be allowed to natives, in cases in which a trial by jury might be deemed necessary to ensure the attainment of justice.

In the very few instances that would occur of Europeans being brought to trial, a jury, composed half of natives and half of Europeans or descendants of Europeans, might even now be assembled; and were Europeans freely permitted to settle in the country, any difficulty in assembling a jury so composed, that might at first be experienced, would soon cease to exist.

Fort William, 1st April 1830. (signed) *A. Ross*.

THE following STATEMENT is presented by the Secretary:

(6o.)—STATEMENT of EUROPEAN INDIGO PLANTERS in the several Districts of the Western and Lower Provinces; the number of Factories, and the extent of the Cultivation; the number of Civil and Criminal Cases decided for and against them and their Servants, during the last Five Years; with Abstracts of the Opinions recorded by the Magistrates and Commissioners of Circuit, regarding the necessity of further Legislative Provisions for the effectual subjection of the Indigo Planters and their Servants to the control of Law.

(6o.) Statement respecting the Indigo Planters.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.						
1.	Seharunpore	–	–	–	–	–	–	–	–	–	–
	Mozuffernugger	–	–	–	–	–	–	–	–	–	–
						For and Against.			For and Against.		
	Meerut	–	2	1	6,250	2	–	–	4	–	–
	Bolundshuhur	–	3	2	29,895	26	–	–	55	37	–

REMARKS:—There are no indigo planters in Seharunpore and Mozuffernugger.

The magistrate of Meerut is not of opinion that any new provisions are necessary for the control of planters and their servants. Unrestricted permission to Europeans to purchase lands, and to resort to the Upper Provinces, desirable; the advantages are great and certain, and should not be foregone on account of an evil comparatively small and remediable. The rule prohibiting the civil courts from trying suits in which both parties are Europeans should be rescinded. The acting joint magistrate at Bolundshuhur has reason to believe that the transactions of the planters are conducted on fair and liberal principles. No new rules necessary; trespass of cattle the chief cause of dispute between planters and the people.

The Commissioner, when superintendant of police, never had occasion to bring the conduct of the planters to the notice of Government. The courts have sufficient power to control them and their servants. The rule which prohibits the cognizance of suits between Europeans should be amended.

2.	Agra	3	–	–	–	507	3	–	13	19	2
	Allyghur	–	–	–	–	–	–	–	–	–	–

REMARKS:—The Statement for Agra is imperfect, in consequence of the absence of the planters. The acting magistrate does not consider any further legislative provisions to be required; the planters, finding or fancying summary redress hopeless by complaints to the courts, often take the law into their own hands; the character of the planters very good. The return from Allyghur has not been received; the acting commissioner expresses himself to the same effect.

						For and Against.					
3.	Furruckabad	–	10	5	32,300	106	–	–	12	1	–
						For and Against.			For and Against.		
	Mynporee	3	5	–	13,000	12	–	–	1	–	–
	Etawah	–	–	–	–	–	–	–	–	–	–

REMARKS:—The acting magistrate of Furruckabad during the short time he has been in charge of the district, has had every reason to be satisfied with the conduct of the planters; further provisions unnecessary.

Although no European planters reside in the Mynporee district, there are several factories situated in it. The transactions of the proprietors with the natives are frequently brought before the judge and magistrate, and from the knowledge of their characters so obtained, he is disposed to think favourably of them.

In the joint magistrate's division of Etawah there are no European planters. The Commissioner is of opinion "That a law in analogy to the Hindoo laws, of the general responsibility of the house and partnership, should render the indigo factory responsible for acts and transactions directly or indirectly connected with it." Indigo factories going to ruin from the failure of firms. Not apprised of any great improvement in cultivation, in manufactures, arts and sciences by the planters. On the general scale, is inclined to believe that the character of indigo planters is not high.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.	For and Against.			For and Against.		
4.	Moradabad	- -	3	1	13,840	50	- -	- -	6	–	–
	Nugeena	- -	–	–	–	–	–	–	–	–	–

Remarks:—The magistrate of Moradabad does not conceive any further provisions requisite to control the European indigo planters and their servants. The number in the district is small, and there is consequently little or no competition; they are highly respectable and well conducted in their transactions with the natives.

In the northern division of the district (Nugeena) there are no planters.

The Commissioner formed his opinion on what he knew of the planters in the district of Allyghur, where there were altogether 36 factories, and where he held the office of judge and magistrate for six years. He considers the laws, as they at present stand, sufficient for the control of the planters and their servants; should be doing injustice to a highly respectable and industrious class of men if he did not take this opportunity of publicly recording his opinion of the uniform good conduct, of the honourable and upright dealings, of the kind and conciliatory treatment of the natives, on the part of the indigo planters with whom he has hitherto come in contact. Instances of misconduct of very rare occurrence; that the country at large derives great benefit from the residence of respectable Europeans in the interior is proved beyond doubt, by the eagerness with which the large zemindars apply to the planters to build factories on their estates. Has found the lower classes of the natives better clothed, richer and more industrious in the neighbourhood of the factories than those at a distance from them; cannot bring to his recollection a single instance of a native having suffered cruelty or oppression from an indigo planter.

5.	Bareilly - -	- -	6	4	19,295	For and Against. 8	- -	- -	For and Against. 2	–	–
	Shajehanpore -	–	–	–	–	–	–	–	–	–	–
	Pillibheet - -	–	–	–	–	–	–	–	–	–	–

Remarks:—The acting magistrate of Bareilly considers the statute-law sufficient. The planters are very well-behaved, intelligent men, and anxious to avoid any cause of complaint or dispute.

There are no European planters in the other division. The Commissioner has always found the existing powers conferred by Act of Parliament for controlling European indigo planters sufficient; but if the power of removal was withdrawn, it would be necessary to render them generally amenable to our courts. The character of the planters he has met with of late years has generally been respectable.

6.	North Bundlecund	–	–	–	–	–	–	–	–	–	–
	Cawnpore -	- -	12	6	32,850	385	32	- -	43	7	–
	Belah - -	–	–	–	–	–	–	–	–	–	–

Remarks:—There are no indigo planters in North Bundlecund, nor in the division of Belah. The magistrate of Cawnpore is not aware of the necessity of any new legislative enactment for the control of the planters and their servants, and his opinion of them generally is decidedly favourable.

The Commissioner is disposed to bear favourable testimony to the general conduct of the planters. They probably imagine, he observes, "that in taking a farm of a zemindar, they have a right to compel the cultivators of every description to sow indigo seed, concluding the record proprietor of the estate to be the absolute owner thereof, and that they have succeeded to his right. Those who refuse to sow indigo seed are deprived of their fields which have been cultivated by their families for generations. Such practices however are not allowed to pass unnoticed by the local authorities; and he considers the laws sufficient to restrain them."

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.						
7.	South Bundlecund	- -	3	- -	- -	1	2	-	-	-	
	Futtehpore -	2	4	3	68,000	58	1	- -	13	9	-
	Allahabad -	- -	29	5	23,217	4	14	- -	6	2	-

REMARKS.—There are no Europeans actually residing in South Bundlecund. The acting magistrate of Futtehpore does not consider any further legislative provisions to be necessary; has an excellent opinion of the behaviour of the indigo factors in his district in regard to their treatment of the natives around them; considers the presence of indigo factories to be an advantage to the district.

The acting magistrate of Allahabad expresses similar sentiments.

The Commissioner is not of opinion that any new laws are required for the control of the planters and their servants.

						For and Against.			For and Against.		
8.	Benares - -	- -	15	9	16,297	68	- -	- -	83	-	-
						For and Against.			For and Against.		
	Mirzapore -	5	25	9	19,800	17	- -	- -	22	-	-
	Juanpore - -	6	50	11	42,522	34	- -	- -	54	-	-

REMARKS.—The magistrate of Benares does not think any additional penal enactments called for, but that it would be desirable to cause all planters or individuals in charge of factories to register the names of their chief native agents, jemadars and chuprassees in their employ, in order that the magistrate might be able, when necessary, to call on some acknowledged and avowed servants belonging to the factory, in case of complaints. Suggests that indigo crops should be liable to attachment in the event of the malgoozar, or person liable to government or to a civil court for the amount of the revenue, instituting a suit for the rent or balance due for the current year. Has no reason to believe that the transactions of planters are not fair and creditable towards all parties; does not believe that any numerical increase of European residents occupied in agricultural pursuits would be beneficial to the natives in his neighbourhood; the price of labour operates against the introduction of machinery, and the European capitalist would find difficulty in procuring a remunerating and safe return, should he be disposed to embark in speculation.

The magistrate of Mirzapore will submit the return hereafter.

Reports that the indigo planters in his district conduct themselves with propriety, there are but few complaints against them; has not heard that their treatment of the natives is in any way oppressive. No further legislative enactments required for the control of the planters; would suggest the expediency of their being allowed to hold lands in their own name; the rules lately enacted to that effect are of no avail, they are encumbered with such restrictions as to render them nugatory.

The magistrate of Juanpore does not think any further provisions are required; the planters in his district are respected and trusted by the natives, and are just and equitable towards them; they are of the greatest possible benefit to the district, giving employment to thousands; if the capital put in circulation by them were withdrawn, crimes would greatly increase. In the opinion of the Commissioner, no further legislative provisions are necessary; is not able to speak to the character of the planters.

DIVISION.	DISTRICTS.	Number of European Indigo Planters.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES. Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	NUMBER OF CRIMINAL CAUSES. Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.						
9	Goruckpore - -	- -	9	3	9,200	–	–	–	–	–	–
	Azimghar - -	2	22	5	12,900	21	5	- -	50 For and Against.	6	–
	Ghazeepore -	8	35	6	21,645	297	15	- -	59	–	–

REMARKS.—The magistrate of Goruckpore observes, that the character of the planters is shown by there not having been any complaints against them.

The joint magistrate of Azimghur does not think any additional legal provisions necessary; is inclined to view the conduct and character of the planters in a favourable light.

The magistrate of Ghazeepore expresses himself to the same effect.

The Commissioner says, "in fourteen years' experience in Ghazeepore and Goruckpore, I have never had reason to consider the British indigo planters in any other light than as a great benefit to the people, in expending much capital among them, raising the value of land and labour, and accommodating them in their necessities on much more liberal terms than they could obtain from any other quarter." Advocates a permission to Europeans to hold lands openly; does not consider any further legal provisions to be required for the control of the planters and their servants.

10	Sarun - - -	13	19	12	34,843	55	- -	- -	118	7	–
	Shahabad - -	1	13	8	14,910	For and Against. 21	- -	- -	For and Against. 20	–	–
	Tirhoot - -	5	48	43	121,900	- -	- -	- -	302	38	–

REMARKS.—The magistrate of Sarun has found the laws in force fully sufficient for controlling the indigo planters and their servants, in the very few cases that have come before him in the last four years. The character of the former stands very high in general estimation for liberal and kind treatment of the natives, and for their peaceable and neighbourly conduct towards one another. They prefer adjusting their disputes privately to bringing them into court.

The magistrate of Shahabad also thinks any further legal provisions unnecessary. The planters are always ready to abide by the awards of the court, and most obedient to the constituted authorities.

The acting magistrate of Tirhoot states, that the existing provisions for the subjection of the European indigo planters are quite sufficient, and their native servants are under the same control as any other natives. The character of the planters is in favourable estimation with the natives in general, and their conduct fair and considerate; attributes the origin of most of the disputes that occur, to the native servants. The acting magistrate explains the nature of the transactions between the indigo planters and natives in this district, and concludes by suggesting some provisions which he has reason to know would be acceptable to both parties.

Regulation VI. of 1823 (extended to Tirhoot by Regulation V. 1824) is insufficient, and never acted upon.

Proposes that a malik or ryot wilfully failing in his contract should be punished for a misdemeanor, as in Regulation VII. 1819, and the planter punishable by fine for maltreatment or non-payment of rent. Eighteen lacs of rupees expended annually in this district, chiefly in the rent of land and wages of labour; and it cannot be doubted that the introduction of so much capital by Europeans is of considerable benefit both to the people and the Government. Thinks it advisable that Europeans should be allowed to hold lands.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.	For and Against.			For and Against.		
11	Patna	- -	1	1	1,000	7	- -	- -	9	-	-
	Behar	- -	- -	6	4	8,100	12	- -	- -	7	-	-
	Ramghur	- -	-	-	-	-	-	-	-	-	-	-

REMARKS.—The Commissioner has been only a few days in charge of the office.

The district of Patna is stated not to be an indigo district, and no information is afforded.

The acting magistrate of Behar is not aware that any further legislative enactments are necessary for controlling the planters and their servants; has had little experience in the district; complaints against them very rare.

The native gentlemen whom he has consulted "express themselves without reserve, that to the best of their belief they know nothing to the prejudice or disparagement of the indigo planters established in this district, and that in their general dealings with and treatment of the natives around them, no part of their conduct has been found reprehensible; but on the contrary they think well of them as honourable and upright men, and believe them to be well spoken of by the majority of the people with whom they are in any way concerned."

Is favourable to the admission of Europeans into the interior, and to their being allowed to hold lands.

There are no European planters in Ramghur.

The Commissioner observes that there are few planters in the division, and that no new laws appear to be required.

12	Bhaugulpore	- -	32	11	69,191	For and Against. 48	- -	- -	For and Against. 18	-	-
	Monghyr	- -	5	17	7	26,550	For and Against. 86	- -	- -	For and Against. 49	-	-
	Maldah	- -	3	24	7	70,757	19	- -	- -	4	1	-
	Purneah	- -	8	65	12	131,436	For and Against. 314	- -	- -	For and Against. 42	-	-

REMARKS.—The acting magistrate of Bhaugulpore was prevented from filling up the form, as the indigo planters were absent from the district. No further legislative enactments are necessary. The planters bear the highest character; their transactions with the natives are conducted with fairness and justice, and they treat them with due consideration and kindness; has every reason to believe that they are very much respected by the inhabitants of the district. The magistrate has subsequently submitted the list of planters, &c. in the form required. In Monghyr, the planters are stated to be, generally speaking, exceedingly peaceable. The joint magistrate thinks it would be desirable to restrain the erection of other factories within a certain distance of those which are already established, and to enact that the nearest factory had the primary right of taking an engagement from the cultivator, provided the manager agreed to the same terms that were offered by the neighbouring planter. This would not preclude a fair competition, as regarded the ryot, and at the same time it would define the right as regarded the planter.

The joint magistrate at Maldah is of opinion that no new legal provisions are necessary for the control of the planters and their servants.

Provisions of Regulation VI. 1823, insufficient. The most frequent cause of dispute is, the ryot after receiving advances, refusing to cultivate; a clause required to compel them, under a heavy penalty recoverable by a summary process; also, to prevent the erection of new factories within a certain distance of each other.

The planters bear a good character, and in their transactions with and treatment of the natives, generally conduct themselves with propriety and moderation; complaints against them very rare.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES. Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	NUMBER OF CRIMINAL CAUSES. Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.						
12	Bhaugulpore, &c.—*continued.*										

The returns for Purneah were at first delayed on account of the absence of some of the planters. In his letter of the 5th April he expresses a favourable opinion of the planters; the statement submitted from this district includes the names of servants, foreigners and persons born in the country, which are omitted in this register; but it has not been practicable to distinguish the number of civil and criminal suits in which they may have been engaged.

The Commissioner mentions a case of serious affray in the Maldah division, between the dependents of two factories, one belonging to an European and the other to an Indo-Briton, in which several persons were killed and wounded. The people of the latter are stated to have been the aggressors. Does not consider any new laws necessary; on the contrary, in so very extended a line of country, it will be found that the conduct of the European planters has been quiet and peaceable; and in many instances the magistrates avail themselves of the local information which they are able to give, and on which dependence may be placed, respecting the perpetration of offences not made known by the zemindars and the police officers.

13	Dinagepore -	- -	3	2	821	–	–	–	–	–	–
	Rungpore - -	–	–	–	–	–	–	–	–	–	–
	Rajshahye -	–	–	–	–	–	–	–	–	–	–
	Pubnah - -	19	99	38	169,347	- -	- -	- -	114	182	–
	Bhagoora - -	4	18	7	14,710	34	1	3	12	8	12

Remarks.—The magistrate of Dinagepore states, that the planters in his district bear exemplary characters, and he has therefore nothing to suggest for their better government.

The magistrate of Rungpore does not think any additional penal rules necessary for controlling the planters. Ryots wilfully evading their engagements should be punished for a misdemeanor; rules to compel cultivation not desirable, as they would endanger the rights of third parties; bargains between planter and ryot are usurious, and the advantage almost all on the side of the planter.

In the treatment of the natives, illegal acts are committed, but these are not confined to Europeans; notwithstanding the clamour raised against indigo planters, the records of the criminal courts prove, that from the same causes the same effects arise amongst the native population; the native merchant, equally with the indigo planter, has recourse to the illegal restraint of his debtor.

The magistrate of Rajshahye has called on the planters to supply the details required, and will report hereafter.

The joint magistrate of Pubnah is of opinion that further legislative provisions are necessary; that the judges have not leisure to give immediate attention to the enforcement of Regulation VI. 1823; that the planters are frequently guilty of acts of violence towards the ryots, in compelling them to receive advances and cultivate their lands with indigo; still the character of the planters is much improved of late years, and by their assistance the ryots are in some measure able to protect themselves against the oppression of the zemindars and mahajurs. Thinks that the magistrates should have power to decide on disputes regarding the possession of farms and lands held by planters in the names of their servants.

The acting magistrate of Bhagoora, owing to the short time he has been in charge of the office, has had no opportunity of judging of the character of the European planters.

The Commissioner of the division does not conceive any further legislative provisions to be necessary; instances are very rare of contumacy or disobedience of orders; can speak most favourably of the planters residing in Dinagepore and Rungpore; not so well informed of those in Rajshahye, including the Pubnah joint magistracy with its Jessore thannahs. The number of planters in the latter district is very great,

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
13	Dinagepore, &c.—*continued.*				*Begahs.*						
	great, and the magistrates have occasion sometimes to interpose their authority between them and the natives. Since he took charge of the division 10 months ago, only one case has been serious enough to render his decision necessary; that the natives were most unquestionably to blame.										
	The natives with whom he has conversed on the subject, have invariably expressed a strong dislike to indigo factories, and he has always found a prejudice to be entertained by them against European speculators residing in the interior.										
						For and Against.			For and Against.		
14	Moorshedabad -	- -	35	16	129,966	80	- -	- -	18	–	–
	Beerbhoom -	1	7	- -	15,125	12	- -	- -	2	–	–
	Nuddea - -	19	56	18	159,517	66	166	- -	193	312	–

REMARKS.—The magistrate of Moorshedabad is impressed with a favourable opinion of the character and conduct of the planters of his district. Some of the planters are stated to have neglected to furnish the information required from them. Mr. Magniac has omitted to state that Mr. P. Trazenant, the person mentioned in his letter as an exception to the favourable opinion given of the planters, is an American.

The magistrate of Beerbhoom reports, that the only European proprietor of indigo factories quitted that district, since which his establishments have been managed by his son, a native of India; cannot speak from actual experience, of the efficiency of the laws to control European planters. A law embracing both European and native planters might be of use, prohibiting one planter from wilfully advancing for indigo cultivation to a ryot previously engaged by another, and making the same punishable as a misdemeanor both in the aggressing planter and ryot; limiting the distance between factories would be still more effectual. The magistrate adds, "As to British subjects (if the question extends to them), the law as it at present stands must always be weak, and I presume inefficient.

"From the redress obtainable by a civil action, where both parties are British, they are virtually precluded by the distance, throughout the greatest part of India, of the court to which alone they can resort; it is not to be wondered at, therefore, if on such occasions self-interest should appeal to violence for satisfaction.

"On the ground of criminal law they stand at *too* great advantage, as regards other Europeans and the natives of the country; with every facility for bringing to punishment those who may have forcibly molested them, as aggressors in aggravated cases they are amenable only to a tribunal, the general distance from, and consequent inconvenience of attending which, would be sufficient in many cases to deter the injured from prosecuting them to effectual conviction; over delinquents of this nature the local authorities can exercise only diminished control, and if they were frequently to be found, the evil would be severely felt; but as I have before stated, my own experience furnishes me with no instance of outrage either on the part of British or European manufacturers."

The magistrate of Nuddea thinks that many more legislative provisions might be made in addition to those which already exist, relative to the more effectual subjection of indigo planters and their servants to the control of the law.

1. The planters should be held responsible for the appearance of their servants when required, in failure of which they should be declared liable to a heavy fine.

2. That they should furnish the magistrate with lists of their servants.

3. That they should be made answerable for the misconduct of their servants.

4. That magistrates or justices of the peace should be empowered to punish planters for non-compliance with such rules as might be enacted for the above purposes.

Considers the general character of the European planters, in regard to their personal dealings and transactions with the natives, to be fair and upright, and their treatment of them kind and conciliating; but much oppression and extortion are practised by their servants; mentions four cases of affray which have occurred in his district in the last five years, wherein European planters have been implicated; thinks that Europeans ought always to be prosecuted for such offences in the supreme court, when there is

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					Begahs.						
14	Moorshedabad, &c.—*continued.*										

a probability of their being convicted. The provisions of Regulation VI. 1823, are seldom or ever resorted to; suggests that planters should be put in possession of land engaged to be cultivated, when the ryot refuses to fulfil his engagement to cultivate.

The Commissioner is of opinion that for the effectual subjection of the indigo planters to the control of the law, they should be made amenable to the criminal courts in the mofussil, for all offences excepting such as would render them liable on conviction to suffer death, or to be transported; if this were done, the affrays which now so frequently occur in some districts between the servants and dependents of neighbouring indigo planters would be much less common, if not entirely put a stop to.

Is disposed to judge favourably of the general character of the European indigo planters residing within the division.

15	Mymensing	–	–	–	–	– For and Against.	–	–	– For and Against.	–	–
	Sherepore	–	3	2	4,397	2	–	–	7 For and Against.	–	–
	Tipperah	7	7	–	19,200	–	–	–	11	–	–
	Dacca Jelalpore	–	74	38	122,151	68	2	–	232	405	–
	Dacca	–	10	11	34,392	1	–	–	11	20	–

REMARKS.—The return from Mymensing has not yet been received.

The magistrate of Tipperah thinks that some enactment is required to prevent one factory from being built within a certain distance of another; as too close a proximity, instead of producing useful competition, is the source of contention, ill will, and bloodshed.

The joint magistrate at Sherepore (which forms part of the first-mentioned (district) thinks the present legislative provisions sufficiently effective for the subjection of the indigo planters and their assistants; has the highest opinion of both the European planters in his division; their influence often successfully exerted in settling petty disputes in an amicable way—a proof of the estimation in which they are held.

The magistrate of Dacca Jelalpore states that the European indigo planters residing in this district are generally a very respectable body of men, and seem inclined, from motives of policy as well as of humanity, to treat the natives round them with kindness.

The price of indigo induces the planters to make advances to any ryots who will take them; great temptation to men of little or no principle to take advances for the same portion of ground from as many planters as they can. Consequently, at the cutting and sowing seasons complaints are frequent, and sometimes serious breaches of the peace occur. Advances sometimes forced on the ryots, and similar oppressions committed, for the purpose of obtaining the plant. These, however, are generally to be imputed either to the zeal or rascality of the native servants of the factory. No further legislative provisions necessary for the subjection of the planters. Submits the following suggestions:

1st. That ryots taking double advances for the same piece of ground; 2d. That persons knowingly making advances for ground already advanced for; 3d. That ryots refusing or neglecting to fulfil their engagements, without good and sufficient cause;—should in each case be deemed guilty of a misdemeanor, and punished accordingly.

Upon the whole, is of opinion that the residence of Europeans in the district has been of the greatest advantage to the inhabitants. The comforts of all classes have been increased, from the large capital circulated; the zemindars' rents have been realized with greater facility; and the immense tracts of jungle that overspread this district, before the cultivation of indigo was introduced, have totally disappeared.

The

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15	Mymensing, &c.—*continued.*										

The magistrate of Dacca has entered very fully into the subject of indigo cultivation. He has been led to form, upon the whole, rather a favourable opinion of the general character of indigo planters, in regard to their transactions and treatment of the natives round them. Among so numerous a class, instances of oppression, and a resort to brute force for the accomplishment of their views, have in some cases originated with the Europeans themselves, but in most instances they are the tools of interested landholders or their own servants. " That some of the planters are held in much estimation by the natives; that they are constantly applied to, to arbitrate disputes between relatives or neighbours; that they are the frequent dispensers of medicine to the sick, of advice to those in difficulty, of pecuniary aid to those in need, on the occasion of family events which would involve them for life with native moneylenders; and that their never-failing acquiescence in the wants and wishes of their poor neighbours has thus tended in some measure to exalt the British name and character—I can vouch from my own knowledge of the facts; nor need I remark how very much the prosperity and happiness of our native subjects would be increased by the residence of European gentlemen among them, were such a description applicable to a large proportion."

After explaining the system, and stating the difficulties and grievances which each party complains of, whether planter, zemindar or ryot, the magistrate concludes his remarks by suggesting various rules for the protection of the rights and interests of all the parties concerned.

Mr. Walters is adverse to restrictions on the erection of factories, and to any interference with open and free competition, but would enforce engagements voluntarily entered into between planters for fixing a boundary line between their respective factories; is inclined to think that the provisions contained in Regulation VI. 1823, although seldom resorted to, afford the planter all the remedy that can be safely granted for compelling the ryots to fulfil their engagements.

Amongst the grievances complained of by the zemindars, the most important, Mr. Walters says, is the difficulty they experience in not being allowed quietly to erect factories on their own estates, in consequence of the arts used, and the open violence not unfrequently resorted to by their European neighbours to suppress all competition of the kind.

2d. That if a zemindar refuses to accede to the terms of the planter, he frequently obtains a pottah for their lands for some other claimant.

3d. That the pottahs taken do not specify the quantity or boundaries of the lands; and, consequently, possession is taken of any lands which may best suit the planter; and that they experience difficulty in obtaining their rents from the planters.

The greatest evil of which the ryots complain, is the almost utter impracticability of being able to free themselves, should they once have the misfortune to receive indigo advances, either by their own free will or by compulsion.

2d. That their cattle is constantly pounded by the planter, on the plea of their straying among the indigo, and the cattle not being released except on payment of a fine.

3d. That they are compelled by threats and ill usage to enter into indigo engagements; that more land is taken by the factory servants than that contracted for, being obliged to execute engagements with one factory after having engaged to give it to another; and although having no concern with any factory, still having their lands forcibly sown, without any pretence or colour of right.

Under the head of evils of a general nature, Mr. Walters instances the custom of entertaining, at European and native factories, bands of armed men, often of bad character; also the system of holding lands in the names of their servants, by which the European planters are subject to no tangible responsibility.

The following is an abstract of the remedies which Mr. Walters suggests for the evils set forth in his report:

1. That Europeans permitted to hold lands should be required to hold them in their own names, and should be required to deposit a list of them, and of such as are now held in the names of their servants, in the zillah court.

2. That they should be required to enter into a bond to submit to all awards of the local authorities in matters touching such lands.

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15	Mymensing, &c.—*continued.*										

3. That they be required to register in the zillah court all engagements relative to occupation or cultivation of land exceeding 50 begahs, and in the moonsiff's courts all engagements for a less quantity; that previous to the registry the lands should be advertised and proclaimed, and marked, in order that persons interested may have an opportunity of objecting.

4. That all leases and other engagements should specify boundaries and quantity of land.

5. That zemindars should have a lien on the manufactured produce, in satisfaction of arrears of rent, to be attached, and if necessary sold.

6. On the expiration of a lease the zemindar to be at liberty to renew it or not, but if let, the old tenant to have the preference on equal terms.

7. At the expiration of his contract the ryot to be allowed to compel the adjustment of his accounts by summary process.

8. In the event of disputes between factories, the local authorities to appoint arbitrators for the purpose of fixing boundaries. Private boundary agreements to be enforced.

9. Collectors to take possession of choc lands, the property of Government, and to lease them to planters in their own names.

10. Lands of khoodkhast, or hereditary ryots, not to be transferred by zemindars to indigo planters, without the consent of such parties.

11. All subordinate landholders to be at liberty to transfer their lands to indigo planters (if warranted by the nature of their tenures) without the consent of the superior zemindar; and all ryots to be at liberty to cultivate indigo or any other crop they like.

12. Europeans to be eligible to be appointed guardians to minors, and managers of their estates.

13. European indigo planters to be held personally responsible for breaches of the peace arising out of, or connected with their manufacture, or the possession of lands.

14. All complaints connected with indigo cultivation to be made in the name and on the responsibility of the planter.

15. All planters to furnish the magistrate with lists of their servants, and to be held responsible for their conduct and appearance; and not to retain notorious offenders in their employ.

16. Not to engage bands of armed men.

17. Not to pound cattle and levy fines.

18. Cattle trespassing to be sent, with evidence of the fact, to the nearest police thannah moonsiff's cutcherry, who would levy the fine on the part of Government. Proprietors of crops to recover damages by a summary process.

19. European planters to render assistance to officers of police.

20. To give information of crimes committed within their estates, and not to harbour or screen offenders.

21. False and vexatious complaints, and prevarication of witnesses, to be punished by two years imprisonment and 200 rupees fine, commutable to one year more.

Mr. Walters adds, "Let the door but be thrown open for the free expression of British feelings and principles, as well as of British capital, and I will venture to say, that in five years a greater improvement will take place in the social and moral condition of our subjects than has accrued from thirty years of trial under the old system."

The commissioner of the division is of opinion that the existing legislative provisions are fully adequate to the effectual subjection of the planters and their servants to the control of law. Has not had sufficient experience to judge of the characters of the Europeans residing in this division. Gives two statements, taken from the books of a factory, illustrative of the effects of the present system on the condition of the ryot; one in which the ryot refusing to cultivate, the cultivation was carried on by the planter, the ryot involved in ruin, and his lands alienated from him; the other, in which the ryot was enabled to pay off a former debt, and to obtain a profit on the settlement of accounts.

DIVISION.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES. Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	NUMBER OF CRIMINAL CAUSES. Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
	Arracan	–	–	–	–	–	–	–	–	–	–
	Chittagong	–	–	–	–	–	–	–	–	–	–
	Noacolly	–	–	–	–	–	–	–	–	–	–

REMARKS.—No report was called for from Arracan.

The magistrate of Chittagong and joint magistrate of Noacolly report that no indigo planters reside in their districts.

The Commissioner has inadvertently furnished statements of civil and criminal cases, decided in the Chittagong district, in which Europeans appear to have been parties, but which have no connection with transactions regarding indigo.

17	Assam	–	–	–	–	–	–	–	–	–	–
	N. E. Rungpore	–	–	–	–	–	–	–	–	–	–
	Sylhet	–	–	–	–	–	–	–	–	–	–

REMARKS.—There are no European indigo planters residing in these districts.

The Commissioner is of opinion, that further legislative provisions are requisite for the due control of all British subjects residing in the interior of the country, and that it is obviously expedient that they should be subjected, like other European settlers similarly situated, to the local tribunals civil and criminal, without any other restriction or appeal than is allowed by the Regulations of Government to other individuals.

18	Suburbs of Calcutta.	–	–	–	*Begahs.* –	–	–	–	–	–	–
	Twenty-four Pergunnahs.	5	2	5,100	–	–	–	–	–	–
	Burosut	2	2	1,480	–	–	For and Against. 2	–	–	–
	Backergunge	4	2	–	For and Against. 52	–	–	For and Against. 76	–	–
	Jessore	2	63	30	120,633	206	11	–	37	309	–

REMARKS.—No European planters in the Suburbs.

The magistrate of the Twenty-four Pergunnahs offers no opinion on the general question.

The joint magistrate of Burosut considers no further legislative provisions necessary.

The magistrate of Backergunge reports favourably of the European planters in his district. Is not prepared to offer an opinion as to the expediency of enacting further laws applicable to planters and their servants.

The magistrate of Jessore cannot speak to the character of the planters, having been lately appointed to the district. Return imperfect.

Was formerly magistrate of Nuddeah. Europeans less violent and rapacious than natives. Introduction of improved mode of culture. Steady supplies of capital. New laws less required than the sure and speedy application of existing laws. Best remedy for the evils complained of is to facilitate to Europeans the holding of estates. Magistrates should be cautious in their intercourse with planters, so as to ensure the appearance of perfect impartiality. The Commissioner has had little experience in districts where indigo is cultivated; recommends either that the number of magistrates should be increased, or the number of Europeans limited; inclines to the latter. The rights and prejudices of the natives are interfered with by Europeans. Speaks favourably of the general character of the planters in Jessore, but their servants commit oppression. The natives are averse to the extended cultivation of indigo. Submits a letter from the acting magistrate of Jessore, who attributes the inefficiency of the existing rules to the want of leisure possessed by the magistrate. Increase of disputes and breaches of the peace.

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						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
					Begahs.	For and Against.			For and Against.		
19	Midnapore -	2	24	1	6,870	13	- -	- -	4	—	—
	Balasore - -	—	1	—	3,000	—	—	—	—	—	—
	Cuttack - -	—	—	—	—	—	—	—	—	—	—

REMARKS.—The magistrate of Midnapore cannot say whether additional rules are necessary. They sometimes take the law into their own hands to recover debts; but complaints on that score are speedily adjusted.

The joint magistrate of Balasore considers no further provisions required. Speaks well of the planters in his district.

There are no European planters in Cuttack.

The Commissioner has heard no complaints against the few who reside in the division.

20	Burdwan - -	- -	8	6	22,258	10 For and Against.	- -	26	— For and Against.	—	—
	Jungle Mehals -	- -	22	4	46,500	14	- -	- -	1	—	—
	Hooghly - -	—	—	—	—	—	—	—	—	—	—

REMARKS.—The magistrate of Burdwan has found the planters peaceably and kindly inclined towards the natives; and he does not think any additional legislative provisions necessary for their effectual subjection.

The magistrate of the Jungle Mehals is not aware that any further legislative provisions are necessary for the effectual subjection of indigo planters, in addition to those which already exist. Conduct of the Europeans kind and conciliatory.

There are no European planters in the district of Hooghly.

The Commissioner expresses the same sentiments as the magistrate of the Jungle Mehals, and from his experience, has always found them forbearing and kind in their demeanour to the natives, as well as fair and liberal in their dealings with them, notwithstanding the bad faith they too often experience in return. Instances of misconduct rare.

Judicial Department, 1 June 1830.

(signed) *H. Shakespear*, Secretary to Government.

Remarks.

The Governor-general in Council remarks, that the foregoing Papers will be transmitted to the Honourable Court of Directors.

(61.)—MINUTE, by Mr. *Leycester*.

(61.) Indigo Planters: Mr. Leycester's Minute.

AS far as I can judge of the order of the magistrate of Furreedpore in its English dress, it appears greatly misconstrued, and that it is anything but an "instruction not to sow their stipulated land unless agreeable to themselves."

The exact purport of the order can only be clearly understood in its original.

I much suspect that the provisions of Regulation VI. of 1823, have very seldom if ever been resorted to by our indigo planters. Under this Regulation they can get summary awards, and having got them, they are entitled to place a watch over the said "defined spot of land," and to the "aid of the police in their favour."

I know of no possible further aid that it could be desirable to grant; indeed the only two which occur would be quite inadmissible, violation of the property of the contractor, or violation of his person.

The above process too is equally conclusive against interlopers who wish to tamper with people who have entered into contracts; the summary award shuts the interloper out.

The great difficulty is assumed from the excessive poverty of the tenant, and the excessive wealth calculated to be made out of the produce of his labour. This certainly is a very unnatural state of affairs, and not paralleled in any other article of produce, and which must, I suppose, remedy itself by relieving the poverty of the ryot, through a reduction in the profit of the indigo planter; and it may be calculated that then the ryot will be actuated by the stimulus of interest to fulfil his contract.

It should be recollected that the whole or nearly the whole cultivation of the country is, as specified in the preamble of Regulation VI. of 1823, carried on with borrowed capital; and that the capitalists who so lend their money to ensure a certain produce, are entitled to the same protection from the Legislature as the speculator in indigo. But it seems to me that there is no fair proportion preserved in awarding penalties, when the failing and bankrupt contractor, without any impeachment of dishonesty, is declared liable to a penalty amounting to 300 per cent.

In legislating to secure the just rights of indigo planters, we must not lose sight of the fact, that there are two parties concerned; and if the conditions imposed on the ryot are such that no reasonable person purposing to act an honest part would engage under them, I think we may be certain that we are legislating in favour of one class at the expense of another, and that from natural causes such a system of legislation must prove inoperative and ineffectual: and such seems to me the rule of imposing on a failure, involving no imputation of fraud, a penalty of 300 per cent.

(signed) *W. Leycester.*

(62.)—ADDITIONAL MINUTE, by Mr. *Leycester*.

(62.) Indigo Planters: Mr. Leycester's Additional Minute.

I DESIRE to add a few words to the foregoing observations. It has been remarked that the Regulation VI. of 1823, authorizes indigo planters holding summary decrees, to place a watch over the indigo crop; that it does not do so if no such crop is produced; in other words, that the Regulation affords no aid in the extreme case of the contractor omitting to cultivate altogether.

Such perhaps is the letter; but we are considering a remedial law and not a criminal one: that such law, admitting that the indigo planter has a lien on the land, should exclusively allow a watchman to be placed over that land for the protection of the crop, and not for the production of the same, would, I think, be a wrong construction.

That a man holding a lien on any land for its cultivation with indigo, should sit quietly by and see it cultivated with potatoes, would only show that a man may have a lien without any tie, or a tie without any lien.

Section 5, Regulation VII. of 1819, declaring contracting workmen guilty of any wilful breach of contract liable to punishment by a magistrate, is, I should suppose, as applicable to an indigo contract as to any other. But a great trade will never be carried on or benefited by a bill of pains and penalties, and I apprehend the section quoted has never been acted on since it was promulgated; and it does not seem to have been considered that there are two parties to a contract, and that there can be no justice in declaring one party liable to punishment as for a misdemeanor or for a breach of contract, and not the other party also, as, for instance, in making advances, &c.

App. No. 63.

I should, with Mr. Ross, very much like to see British subjects allowed to acquire landed property by free purchase or other contract, not merely for indigo or coffee, but for general purposes. The rules however which he would establish for the regulation of contracts between the indigo planter and the cultivator, however good in themselves, are I fear far too intricate and too complex for practical use, nor do I see whence the public functionaries required are to come from; with any people like the present moonsiffs I apprehend it would be fearful odds for the poor ryots. I think it would be far more desirable if the indigo plants were produced without the intervention of contracts and advances, and the crop brought into the market, and the price regulated by the demand, as other crops are. There would then be some reciprocity of interest between the producer of the plant and the consumer of it, which cannot be said to be the case at present.

But whatever is resolved on, I trust it will be made of a general nature, including cotton, sugar, and all other articles, and not be restricted to indigo alone.

(signed) *W. Leycester.*

(63.) Indigo Planters: Mr. Ross's Minute; 21 September 1829.

Letter from the Secretary to Government, Judicial Department, dated 5th May 1829, relative to Regulation VI. of 1823, for enforcing the execution of contracts for the cultivation and delvery of indigo plant.
Letter from Ditto, dated 29th May, on the same subject.
Letter from Ditto, dated 9th June, on the same subject.
Letter from Ditto, dated 25th August, on the same subject.

(63.)—MINUTE by Mr. *Ross*, dated 21st September 1829.

IT is undeniable that the evils which induced the enactment of Regulation VI. of 1823 are still experienced, and it must also, I think, be admitted that the provisions of that Regulation are not calculated to obviate those evils.

Although, however, the Regulation referred to is defective, I apprehend that the continuance of the evils complained of is not so much attributable to its defects as to the inefficiency of the tribunals authorized to carry its provisions into execution; and that were it amended, it would still be as inoperative as it has hitherto been, if left to be enforced by the same tribunals.

It must be kept in mind that the courts at the sudder stations of the several zillahs are the only tribunals authorized to take cognizance of disputes arising between European indigo manufacturers and the ryots who contract to supply them with indigo plant; and that those courts are from their situations, and the great extent of country over which they have jurisdiction, inaccessible to the majority of the ryots, and from accumulation of business, obstructing and retarding their proceedings, of little avail to the manufacturers.

There is in reality no provision made for administering any law to these two classes, and that fact alone is sufficient to account for the disorder that prevails in the indigo districts. The ryots, feeling no assurance that they will be allowed to reap the produce of their labour, are easily induced to engage to cultivate their lands for the manufacturers on any terms; but they do not seem to consider the contracts entered into under such circumstances as voluntary on their part, and it may therefore be believed, that they have little scruple in employing all the means they are said to resort to, in order to evade performance when any advantage can be gained by so doing. The manufacturers too find that they have nothing to depend on but their own means for preventing the loss of the capital and of time to which they would be subjected by the non-execution of the ryot's contracts; and they therefore maintain large establishments of armed men, to enforce the execution of those contracts. Thus the two classes are compelled to resort to the means of self-protection which they are both blamed for employing.

It may be observed, that it is owing to this non-existence of any provision for administering justice, that in the districts possessing the advantages of soil and climate adapted for the production of indigo, the establishment of rival factories has not been always followed by so much benefit to the native population as might have been expected. Competition has doubtless raised the cost of the indigo plant to the rival manufacturers; but the increase, instead of being received by the cultivators of the plant, in the shape of an advance of its price, as it ought to be, and as it would be were they duly protected, is consumed by the armed establishments, which, as I have above mentioned, the want of other protection obliges the manufacturer to maintain.

It seems to me, therefore, that the first thing necessary to be done to remedy the evils complained of is, to make provision for ensuring to the cultivators as well as to the manufacturers that protection which the law ought to afford to them; and that, I conceive, can be accomplished in no other way than by raising the qualifications and powers of the courts of the moonsiffs. Those courts are the only tribunals so situated as to be accessible to both parties, and capable of administering justice equally to both. In them only can poor suitors, as well as rich, personally attend to the investigation of their suits; an advantage essential in trials, in the first instance, to the attainment of justice, and which the due performance of the functions of investigation requires that all courts of *original jurisdiction* should be capable of affording. They alone, in fact, possess the most important of the requisites to the competency of courts of original jurisdiction, and they are as susceptible of being rendered competent in other respects to discharge the functions of such courts as any of the other established tribunals.

From the foregoing observations, I would not be understood to think that the establishment of an efficient system of local judicature would be sufficient to relieve the indigo manufacturers from the difficulties they have to contend against: a prompt administration of justice would doubtless remove those difficulties in the few cases in which the persons who contract to supply the indigo plant are men of substance; but in the numerous cases in which the contractors are needy ryots, without any property whatever, the existing laws, if enforced, would increase, and not remove, the difficulties complained of. I will, therefore, beg leave to suggest the measures, which with reference to these last-mentioned cases, I conceive it would be advisable to adopt for amending the laws affecting indigo manufacterers, supposing an efficient system of judicature to be established.

The cases referred to may be classed under two heads: 1st, *Those in which ryots, after receiving advances of money and contracting for the cultivation and delivery of indigo plant, do not sow any land with indigo seed, and consequently have no plant to deliver.* 2d, *Those in which contracting ryots, after having sown land with indigo seed, refuse to deliver the produce to the manufacturer who advanced his money for it.* In the cases coming under the first head there is no remedy whatever provided in any Regulation in the judicial code. In those coming under the second head, Regulation VI. of 1823 allows a process intended to secure the growing plant to the mannfacturer entitled to it; but that process, although summary, cannot be issued with the celerity requisite, and consequently is unavailing. In both classes of cases, therefore, neither Regulation VI. of 1823, nor any other enactment, contains any provision calculated to protect the manufacturers against possible dishonesty on the part of those with whom they must deal. In regard, indeed, to the European manufacturer, the law, as it now stands, is, as I before observed, worse than defective. It

compels

compels him to resort to the system of making advances for his indigo plant, and at the same time debars him from availing himself of the only security he can have against the losses to which that system exposes him. It places him in the predicament of having to choose either passively to submit to those losses, or to incur the consequences of acting illegally in order to avert them. (63.)IndigoPlanters: Mr. Ross's Minute; 21 September 1829.

In endeavouring to provide a remedy for this obvious injustice, there are two considerations to be attended to, and they suggest the measures by which the remedy sought for may be afforded. One is, *that a ryot who requires an advance of capital to enable him to cultivate his land, has nothing to offer as security for its repayment but the capability of his land to yield produce of value equal to the amount of the advance: the other is, that the security will be unavailing if any delay be made in providing either for ploughing or sowing the land at the proper season, or for preventing the produce, when ripe, being carried off.* The measures suggested by those considerations, are, *the removal of the prohibition against Europeans holding lands; and the empowering indigo manufacturers to attach and take the usufruct of land to the produce of which they have acquired a right by contract with the occupant, immediately upon the latter refusing to plough or reap, or to do any act necessary to enable him to fulfil the conditions of his contract.*

By the adoption of these measures, not only would difficulties which the existing laws oppose to the indigo manufacturers in the conduct of their business be removed, but other important advantages might be expected to result; among which may be mentioned the discontinuance of the practice of Europeans renting lands in fictitious names, and of the evils which that practice gives rise to; the introduction of a respectable and intelligent class of *indigo-plant farmers*, who, being able to maintain their rights, would not be induced to enter into contracts on terms lower than the demand for their produce would entitle them to, and whose self-interest would be sufficient to induce them to fulfil their contracts; and, lastly, the general improvement of the agriculture of the country, and an increase of all the valuable products of its soil and climate.

I have put into the form of a draft of a Regulation (and which is herewith submitted to the Court), the rules which I conceive it would be proper to enact to give effect to the measures above suggested. In the event of its being deemed advisable to adopt them, the notes appended to the draft afford all the explanations in regard to the rules proposed that seem to be required; and I have, therefore, only to request in this place, that it may be kept in mind that they have been framed on the supposition that the local courts of judicature, by which only they can be carried into execution, will be raised to the footing on which those courts should be placed to qualify them to perform the functions assigned to them; and I may add, that until the local courts shall be rendered fit to be entrusted with the discharge of those functions, it is not to be expected that any amendment of the existing law that can be proposed with a view to the correction of the evils under consideration, will be productive of advantage. App. No. 67.

(signed) *A. Ross.*

(64.)—MINUTE by Mr. *Sealy*, dated 28th May 1829. (64.)IndigoPlanters: Mr. Sealy's Minute; 28 May 1829.

BY clause 3, section 5, Regulation VI. 1823, the indigo planter who has made advances to a ryot who has disposed of the weed to another, is at liberty in a regular suit to prosecute the ryot, and the individual to whom such produce was sold or delivered, conjointly. I do not see why he should not be allowed to do the same in a summary suit, as the evil complained of appears to be very extensive; that is, the ryots who have received advances declining to sow their lands with indigo seed. I would extend the powers contained in section 5, Regulation VII. 1819, to contracts for the cultivation of indigo. This will go a great way to put a stop to the frauds now practised by ryots and their evil advisers, and may in the end diminish the number of affrays that now annually take place for indigo lands, which are invariably attended with severe wounding, and frequently with loss of life, in consequence of planters entertaining bodies of fighting men for the express purpose of fighting their battles on such occasions.

(signed) *C. T. Sealy.*

(65.)—MINUTE by Mr. *Rattray*, dated 30th May 1829. (65.)IndigoPlanters: Mr. Rattray's Minute; 30 May 1829.

THE preamble to Regulation VI. of 1823, admits that it seems reasonable that the person who advances seed and capital, or capital only, for the expense of cultivation on a defined parcel of land, should be considered to possess a lien and interest in the indigo plant produced on that land, when so stipulated in a written engagement between the parties, and especially in cases in which such written engagement may have been duly registered under the provisions of Regulation XXII. 1812; and that it should not be in the power of a ryot who has already conditioned for the delivery of the produce of his land to one person, to break the condition by a clandestine and fraudulent transfer of such produce to another.

With a view to the accomplishment of what is here admitted to appear reasonable, the above Regulation was enacted; and experience has proved that it has, if not entirely, so far failed in its object, as to render a modification of it obviously expedient.

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I cannot better exhibit the loss and vexation to which indigo planters now stand exposed than by quoting an anonymous writer (one of themselves, I presume), a communication from whom lately appeared in one of the public prints of this presidency. "It must," this writer observes, "be considered that the sowing of indigo admits of no delay. When the lands are prepared for the reception of the seed, and rain falls, no time must be lost. Delay, that in all cases is dangerous, in this instance is ruinous; either the lands must be sown at once, or not at all. Hence it will appear, that the speculative *redress* of the Regulation (VI. of 1823) teems with consequences to the indigo planter which would be more aptly expressed under the term *grievance*; the means would infallibly entail the very evil sought to be removed. During the progress of the litigation, the sowing season passes away; and the issue at best must prove disadvantageous to the planter, who sues a fraudulent defendant who can *prove* himself insolvent, in the event of being cast, by the aid of a few oaths, which he can procure as cheap as eggs. By way of exemplification, I will put a case, neither improbable nor of unusual occurrence in different degrees, which will show how this Regulation is likely to operate on the interests of the planters:—I make advances to 2,000 ryots, who agree to sub-let to and cultivate for me two or three beegahs of indigo each, on receiving at the rate of two rupees per beegah. The money is paid four or five months before the sowing season commences, during which time I am much gratified by the care and attention they evince in preparing the lands; and I already begin to calculate the probable balance that next manufacturing season will place to my credit in the agent's books. Rain comes, but no ryot appears for seed; when, after a little patient delay, I send to them, and proceed to compel them, a few at a time. Away two of them hie to the magistrate, and complain that I have taken away their paddy lands (they having become acquainted with a Regulation which prohibits compulsory measures being used towards them in such cases), and I am summoned and appear. The fact of advances having been made is not denied; but the complainants *swear* that the lands in question were not those intended for indigo; and so I become, by the fiat of the court, subject to the consequences of an infringement of the Regulation. The conquering ryots repair home, where the news of my defeat emboldens the rest to persevere in their original resolution of withholding the lands; and the only remedy left me is to enter 1,998 separate actions for damages, which the defendants cannot make good. The glaring injustice here done me need not be dwelt upon. The very prosecution of my actions would occupy at least six months, if the judge should happen to be very assiduous; during which time the season has slipped away, the lands lie fallow, or have yielded other crops to their roguish occupiers, and I am grinned at as a fool, and advised to be more cautious for the future in making advances, when perhaps those I have already made, and the expenses incurred in prosecuting my right, render the advice quite superfluous. Some may think, that by referring disputes of this nature to the darogahs for their report, the evil might be averted, and the ends of justice attained; but this arrangement would prove as little calculated to promote impartial justice as the Regulation, so long as the office of darogah is filled in the manner it now is."

Now if this be a fair exhibition of facts, and I believe it to be without any exaggeration, it must be admitted that legislative interference is urgently called for. All the obligation I would impose is, that of an honest performance of a voluntary contract; and after affording to the subject much thought, and making myself as fully acquainted with it as opportunity has permitted, I venture to suggest the following rules, as calculated to relieve the planter, without any hardship or injustice towards those who now oppose such fearful odds to all fair dealing, under the very law enacted to promote and preserve it.

PROPOSED MODIFICATION of Section 5, Regulation VI. of 1823.

1st. IN cases in which a ryot or other cultivator of the soil, who may have received advances and entered into written engagements for the cultivation of indigo or other plant or produce of the soil, in the manner indicated in Regulation VI. 1823, shall have failed to cultivate the land specified, or having cultivated it, shall have failed or refuse to complete his engagement, or shall have sold or made away with or transferred the produce to another person, the party with whom such agreement was first made shall be at liberty to apply for redress to the magistrate or joint-magistrate within whose jurisdiction the land may be; or to institute, at his option, either a summary or a regular suit in the civil court against the said ryot or cultivator, or the party at whose instigation the said ryot or cultivator shall have so failed, or both, as shall appear to the plaintiff expedient.

2dly. If the application be made to the magistrate or joint-magistrate, the case shall be disposed of under sect. 5, Regulation VII. 1819; and pending the imprisonment of the ryot, if the charge be substantiated, and after his release, till such time as he shall proceed to a due performance of his engagement, the plaintiff shall be put in possession of the land the cultivation or produce of which he may have contracted for, with liberty to complete the said cultivation, or to reap or collect the said produce at his own expense, having his remedy for the said expense by a summary or regular civil action against the said ryot, or the party at whose instigation the latter shall be proved to have so failed, or both, in the manner hereinafter provided for.

3dly. If a summary civil process shall be adopted in the first instance, and the cause (upon the grounds stated in the next following section) be decided in favour of the plaintiff, the defendant or defendants each shall be subject to the payment of the amount of the

(65.)IndigoPlanters: Mr. Rattray's Minute; 30 May 1829.

the advances actually received by the said ryot or cultivator, with interest on the same, and the costs of summary process; the claim for the amount of any further loss sustained by the nonperformance of the contract being cognizable only under a regular suit. But in this case of summary process the plaintiff shall not be entitled to possession of the land, as provided in the preceding section, the suit being considered as instituted solely for the recovery of loss already sustained by the advances or expense above mentioned, and not with a view to any prospective benefit to be derived from the soil. But nothing herein shall prevent a prior application to the criminal court, as provided for by the preceding section, if the party aggrieved shall seek his remedy in the manner and to the end therein stated.

4thly. If the plaintiff shall seek the remedy by a regular suit, the case shall be tried and decided under the principles and provisions of the general Regulations; provided, however, that where a ryot shall have voluntarily executed a deed of engagement, stipulating to cultivate indigo or other plant or produce of the soil on a specified portion of land, and to deliver the produce of such land to one individual, and shall have subsequently sold or delivered such produce to another, or have failed to prepare or cultivate such land at the instigation of another, the aggrieved party shall be at liberty to prosecute the ryot and the individual to whom such produce may have been sold or delivered, or who shall so have instigated the contractor, conjointly; and if it be established that the individual receiving the produce, or so instigating, was at the time aware of the prior engagement, such individual, and the ryot or cultivator, shall be jointly or severally held answerable for the full amount of the penalty specified in the original agreement, together with all costs and expenses of the suit.

5thly. If no fraud or dishonest dealing be established, and the failure of a ryot or other contractor to execute the stipulations of his engagement be owing to accident or other cause not implying fraud or dishonesty, the remedy shall be as in common cases of contract failure, provided for by the Regulations generally. *Appeals* must of course be provided for, as should facilities to the *registry of* contracts.

(signed) *R. H. Rattray.*

(66.)—MINUTE by Mr. *Turnbull*, dated 2d July 1829.

(66.)IndigoPlanters: Mr. Turnbull's Minute; 2 July 1829.

THE eager competition noticed in the preamble to Regulation VI. 1823, commenced in the preceding year; and holding, as I then did, the situation of judge and magistrate of Nuddea, I had some opportunity of witnessing the scenes of contention and strife ensuing from the various and conflicting interests to which that competition gave rise. The disorders which then prevailed in that and the neighbouring indigo districts, have, I believe, nothing abated to the present day, and they are certainly such as to call for the serious interposition of Government. From the moment of ploughing the land and sowing the seed, to the season of reaping the crop, the whole district is thrown into a state of ferment. The most daring breaches of the peace are committed in the face of our police officers, and even the magistrate himself. In utter defiance of all law and authority, large bodies of armed men are avowedly entertained for the express purpose of taking or retaining forcible possession of lands or crops. Violent affrays, or rather regular pitched battles ensue, attended with bloodshed and homicide. Our police establishments are corrupted, and the darogahs are said notoriously to be in the pay of the planters, European or native, to secure their good offices. Private assassinations occasionally occur, and forgery and perjury have their full sway; in short, every species of crime is committed, and in the list I should not omit false charges of murder, arson, &c. which are very common, and are the most harassing of all to the accused as well as to the magistrate. If such are the consequences of the present system of indigo cultivation in the Bengal districts, and that they are so will not, I think, be disputed, it is certainly high time that decisive measures should be adopted to put down evils of such magnitude, independently of the question more immediately under consideration, of affording protection to the rights and interests of the numerous individuals concerned. The practices noticed in the papers which have originated the present discussion, no doubt prevail to a considerable extent, and are the common subject of complaint. I particularly remember one instance in which a ryot acknowledged before me, that he had in quick succession taken advances from and entered into engagements with three separate establishments for the same parcel of land. This was clearly an act of fraud, and would, I take it, be criminally punishable under the Mahomedan law and the Regulations already in force, as well in the ryot as in any others who should be proved to have knowingly participated, and wilfully aided and abetted therein: but would this reach the evil? I fear not; on the contrary, if such a power were at all abused or indiscreetly applied, if resort were had to it frequently and vexatiously to harass or intimidate the ryots; if it were not restricted to cases of a glaring and flagrant character, the planter would soon discover that he had used an instrument to his own destruction. The principal source of all the mischief may, I fancy, be traced to the contract formed with the ryot, which is sometimes not in writing, is frequently insufficiently defined, and is generally extremely unfavourable to the ryot, rendering him in fact a slave to the establishment with which he has once engaged, and thereby preventing an open and fair competition to all, which would afford the only true and effectual remedy. Too much also, it is said, is entrusted to dewans, naibs, gomashtas, and numerous others employed by the planter, who I fear looks but little beyond the quantity of land procured for him, and does not pay sufficient attention to the means

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by which it has been obtained, so that at the critical period there is a general scramble. In such a state of things it cannot be matter of much surprise that the ryot, who is acknowledged to be in poverty, and has perhaps been labouring in vain for years "to work off his old balances," as it is called, should readily yield to the temptation of an offer of money from a rival factory to pay off his old score, and thereby liberate himself from thraldom, as well as engage on more favourable terms. The evils, therefore, being inherent in the system itself, this must undergo a change before any real good can be done by legislative provision. The planter must be prepared to admit a fair and open competition; he must not seek to *undermine* his neighbour by allowing his native agents to interfere secretly with ryots already under engagements, or to put him down *vi et armis* with hired Lutheeals; he must secure his ryot by other means than a contract which bears him down so heavily that he can have little hope of fulfilling its obligation, and which drives him therefore to artifices and intrigues for immediate relief, though ultimately leading to his own ruin as well as to the injury of his employer. He must, in short, endeavour to attach him to his interest, not by force, but by indulgence, kindness and liberality; and if his neighbour rises higher in terms than himself, he must either meet him by corresponding liberality on his own part, or leave the ryot free to act as the latter may deem most conducive to his own interest. The difficulty of framing rules calculated to ameliorate the system, so that it shall work beneficially to all concerned, and afford prompt redress for the various grievances complained of by either party, has been always felt and acknowledged. The Regulations already provide that a preference shall be given to registered deeds of contracts; but the obstacles are so great, in expense of stamp-paper, fees of registry, distance from the sudder station, &c. that it is seldom or never resorted to; indeed it is impracticable. If any plan could be devised to encourage a more general resort to the practice of registry, by reducing the expense and rendering the means more accessible to the parties, a great point would no doubt be gained; not only that a contract thus formally sanctioned has greater force with the parties, and would perhaps deter many from an attempt to violate it, but also because it would generally enable the court to determine more readily on the validity of the engagement, without being compelled, as they frequently are at present, to enter into a lengthened investigation, the result of which depending upon conflicting testimony, must always be doubtful, and often erroneous, and the delay of which generally defeats its whole object. In the difficulties which present themselves, the only remedy which occurred to me, is the establishing subordinate offices of registry in each thannah division, to be held by natives or others specially appointed for the purpose, and placed under the general superintendence and control of the registrar of the district, or other European officer at the sudder stations, to whom a daily report should be made of all registered deeds, and by whom they should be forthwith entered in a general registry book kept separately for the purpose, under such forms and checks as should be found necessary to render it an authentic and useful public record. I can however but throw out the hint, as I am sensible that many obstacles may occur in the details (even if Government should be willing to incur the additional expense) to render any plan of this nature practically efficient and useful with the means we have at our disposal. Unfortunately the same difficulty opposes every suggestion which offers itself: let us consider the vast interests that are involved in the matter under discussion, not merely in the lacks of rupees that are annually at stake, but as variously affecting the greater part of a large and populous district, and consider at the same moment the means we at present possess of affording prompt and effectual redress in the countless disputes which cannot but arise from such a state of things. A single factory may have formed upwards of a thousand contracts; the party may be distant from the only courts now open to them, from 50 to 100 miles; those courts are already overwhelmed; the matters in dispute press for decision, and cannot wait the ordinary course, for delay would render the decision nugatory, and worse, as the parties would have been needlessly subjected to annoyance and expense. What then is the remedy? I confess that I am at a loss to propose any other than the appointment of a respectable sudder ameen in each thannah division, with a salary or authorized emoluments, such as would incite him to a faithful and honest discharge of the important trusts which must necessarily be confided to him.

(signed) *M. H. Turnbull.*

(67.) Indigo Planters: Regulation proposed by Mr. Ross; 2 July 1829.

REGULATION proposed by Mr. *Ross.*

A REGULATION to provide more effectually for enforcing the execution of Contracts relating to the cultivating and delivery of Indigo Plant; to remove the existing prohibition against Europeans occupying Land for the cultivation of Indigo Plant or other purposes; to make all Suits relating to the cultivation and to Contracts for the delivery of the said Plant cognizable in the Courts of the Moonsiffs, and to declare the cutting down or damaging of Indigo crops in certain cases an offence punishable by the Courts of Criminal Judicature: passed by the Governor-general in Council, &c.

Preamble.

WHEREAS Regulation VI. of 1823, for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant, having failed to diminish in any degree the evils

(67.) Indigo Planters: Regulation proposed by Mr. Ross; 2 July 1829.

evils which induced its enactment, it has become necessary to make more effectual provision for remedying those evils: And whereas it is necessary to that end that Europeans should be authorized to occupy land for the cultivation of indigo plant; and also expedient, with a view to the general improvement of the agriculture of the country, that permission should be granted to them to purchase, lease and hold land for that and other purposes: And whereas it is at the same time necessary for the protection of the ryots and other occupants of the soil, that all complaints and suits relating to contracts for the cultivation and delivery of indigo plant, and to the possession and produce of lands cultivated with that plant, should be cognizable in the courts of the moonsiffs, the only established tribunals accessible to the great body of the cultivating classes: And whereas it is moreover judged proper, that the cutting down or wilfully damaging indigo crops for the purpose of injuring any individual having an interest therein, should be declared an offence punishable by the courts of criminal judicature;—the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Regulations rescinded.

II. First.—Sections 3, 4, 5 and 6, of Regulation XXXVIII. of 1793; Regulation XXXIII.; and Sections 3, 4, 5 and 6, of Regulation XLVIII. of 1795; Sections 3, 4, 5 and 6, of Regulation XIX. of 1803; Regulation VI. 1823, and Regulation V. of 1824, are hereby rescinded.

Parts of Regulations declared not applicable to cases coming within the provisions of this Regulation.

Second.—Such parts of Regulation XXIII. of 1814, of Regulation XIX. of 1817, and of any other Regulation in force, as may be inconsistent with any of the Rules hereinafter enacted, are to be considered as null and of non-effect in regard to cases coming within the provisions of this Regulation.

Europeans permitted to purchase, rent and occupy land.

III. Europeans are hereby permitted to purchase, rent and occupy land for the cultivation of indigo plant or any other purpose; and all Europeans, as well British subjects as others, who may avail themselves of this permission, shall be held to be amenable in common with the natives of the country to the courts of the moonsiffs, and the other civil courts of the district in which the lands purchased, rented or occupied by them may be situated, in all matters relating to such lands which may be cognizable in those courts under this or any other Regulation in force *.

Europeans occupying land declared amenable to the local civil courts.

Ryots, and other occupants of land, at liberty to cultivate any articles of produce they please, consistently with the conditions of their tenures, and to engage for the cultivation of indigo plant with whomsoever they may think it most conducive to their interest to engage.

IV. It is hereby declared, that ryots and all occupants of lands, while their right of occupancy exists, are at liberty, so far as may be consistent with the conditions of their tenures, to cultivate any article of produce, and to engage for the cultivation of indigo plant with the owner or manager of any indigo factory wheresoever situated, or with any person with whom they may judge it to be most conducive to their interest to engage; and it is hereby further declared, that owners or managers of indigo factories shall not be considered to have any right to the produce of lands wheresoever situated, but what may be derived to them by purchase, lease or other contract, voluntarily entered into by the owners or other persons having legal occupancy of the lands †.

Owners and managers of indigo factories not to be considered to have any right to the produce of lands, wheresoever situated, but what may be derived to them by contracts entered into by the legal occupants of the lands.

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* The considerations which appear to render it advisable to grant a general permission to Europeans to hold lands are the following:

1st. Without allowing indigo manufacturers to occupy lands in the particular cases referred to in this draft, it is impossible to make any effectual provision for obviating the evils sought to be remedied.

2d. Those evils are much more likely to be effectually remedied by unlimited than by limited permission. Unlimited permission, by admitting of leases being taken by men possessing capital and intelligence, and capable of adopting the best modes of cultivation, would lead to the establishment of a class of growers of indigo plant, from whom the manufacturers of the indigo dye could reckon with confidence on being supplied with the quantity of plant they required, without resorting to the objectionable and expensive means which they must now use to obtain it. The advantages which would result from the establishment of such a class of *growers* of the plant, both to the manufacturers of the dye, and to the owners of the indigo lands, need not be here detailed.

3d. Unlimited permission, by rendering European energy and intelligence available, would accelerate the general improvement of the agriculture of the country, and add greatly to the amount of its most valuable productions. This consideration may, I submit, be opposed to the objection that will perhaps be urged against the proposed enactment, on account of the expense which it would render necessary for a reform of the local courts of judicature.

† I have thought this declaratory Section necessary, to obviate the prejudicial effects likely to result to the ryots from a notion which seems to prevail, that by the establishment of an indigo factory near to lands fit for the cultivation of indigo plant, an exclusive right is acquired to the plant grown on those lands, and that this right is encroached upon by the subsequent establishment of another factory near to and dependent for its supply of plant upon the same lands; in other words, it would seem to be assumed that all the ryots who have been in the habit of cultivating for the factory first established in their vicinity, are the ryots of that factory, and not at liberty to cultivate for any other. If such an assumed right were recognized, every factory would be enabled to command, on its own terms, all the plant produced within a circle round it, including the most distant lands from which

Persons advancing capital for the cultivation of indigo plant, or defined parcels of land, to be considered to have an interest in the produce of such land, and entitled to adopt the means authorized by this Regulation for securing that interest.

V. First.—Persons engaged in the manufacture of indigo dye, who may advance capital for the cultivation of indigo plant, or parcels of land of certain defined limits, shall be considered to have a lien or interest in the produce of such parcels of land, and shall be entitled to avail themselves of the means authorized by this Regulation for protecting that interest; provided that in each case the conditions on which the advance of capital may be made shall be recorded in a written deed or instrument, and agreed to by the party receiving the advance before two or more witnesses, not being servants or dependants of the other party; and provided also, that the deed shall contain a specification of the particulars mentioned in the following clause, and shall be registered in the court of the moonsiff of the jurisdiction in which the parcel of land engaged for may be situated, and advertised in the village in which the land may be included, at least three months before the date fixed for commencing the cultivation of the land *.

Provided the written deed, containing the conditions on which the advance may be made, shall be executed in the manner herein prescribed.

And shall specify certain particulars,

and shall be registered in the court of the moonsiff, and advertised in the village in which the land to which it relates may be included.

Particulars required to be specified in deeds of contract.

Second.—The particulars required to be specified in deeds of contract of the nature referred to in the foregoing clause are the following:

1st. The name of the village in which the parcel of land to be cultivated is included.

2d. The boundaries of the said parcel of land, and the number or name under which it is recorded in the accounts of the village.

3d. The rate or price per bundle of plant, with the dimensions of the bundle, at which the produce of the land is to be delivered by the contracting ryot or cultivator, and the amount of the advance received by him.

4th. The date on which the cultivation of the land is to be commenced, and the date on which it is to be completed.

5th. The amount of penalty to be incurred for non-performance of the contract.

Deed of contract, how to be registered in the moonsiff's court.

How to be advertised.

Third.—On an original deed of contract being produced in the moonsiff's court, by a party desiring to have it registered, the moonsiff shall cause a correct copy of the deed to be entered in a book to be kept for the purpose in his court; and shall cause an advertisement or notice containing the substance of the contract, and exhibiting the names of the contracting parties, and the name or number, and the boundaries of the parcel of land engaged for, to be stuck up by an officer of his court in a conspicuous place in the village in which the land is included, and on a bamboo erected in the field or parcel of land described, and also on the door of the house of the contracting ryot, if it cannot be personally delivered to him.

Moonsiff, after completion of registry and advertisement of the deed, to return it to the person from whom it may have been received, with a certificate endorsed on it of its having been registered and advertised; and to transmit a copy of the deed, and of the certificate endorsed on it, to the judge of the zillah or city to whose authority he may be subject.

Fourth.—On the registry and advertisement being completed, the moonsiff shall return the original deed to the person from whom it may have been received, with a certificate under his signature endorsed on it, specifying the dates of the registry and advertisement; and immediately after shall transmit a copy of the deed and of the certificate endorsed on it, to the judge of the zillah or city to whose authority he may be subject †.

Fifth.—To defray the expense attending the registry and advertisement of indigo contracts in the manner directed in the foregoing clause, the moonsiffs are hereby authorized to demand a fee of rupees for every deed so registered and advertised, and to refuse the official acts required from them until the fee be paid.

Register books kept in the courts of the moonsiffs, to be open to inspection on payment of prescribed fee.

Sixth.—All persons shall be allowed to inspect and search the register books kept in the moonsiff's courts under this Regulation, on payment of a fee of half a rupee for each inspection and search.

VI. First.

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it had at any time drawn its supplies; and the owners and occupants of indigo lands, every where, would be deprived of the advantage arising from the establishment and competition of new and rival factories, an advantage to which they are unquestionably entitled, and which, if duly protected by the laws, they could not fail to obtain. It is true that the quantity and quality of indigo lands round a factory, and the favourable disposition of the ryots occupying these lands (termed in the letter of Messrs. Alexander & Co. the "*good-will* of the concern,") constitute the great part of the value of the factory; but it is no less true, that such value can be legitimately preserved only by a liberal and conciliatory treatment of those on whose will it depends.

* The intention of the provisions of this section is to facilitate the decision of disputes arising out of contracts of the nature referred to, by requiring the specific lands engaged for to be so clearly defined in the deeds of contract that their identity may be easily ascertained; and also to give such publicity to the contracts as will enable individuals considering themselves injuriously affected by them, to prefer their objections before the time arrives when the manufacturer will be entitled to adopt the means proposed to be authorized for securing the produce of the lands.

† The court of the moonsiff is selected for the place of registry, as being from situation the most convenient for all parties, and the only court accessible to the mass of the cultivating classes. The being easy of access is essential to the usefulness of an office of registry, and the court of the moonsiff affords that advantage, without greater risk of false registry, or of alteration of deeds after registry, than would be incurred in any other office against such risk; indeed, the rule directing a certificate to be endorsed by the moonsiff on the original deeds registered, and the immediate transmission

VI. First.—If any person object to a contract registered and advertised as directed in the preceding section, it shall be competent to such person, within a month from the date of the advertisement of the contract, to present a petition to the moonsiff in whose court the contract may have been registered, stating his objections thereto: on the petition being filed, a summons containing its substance shall be issued to the party to the disputed contract, by whom it may have been registered, requiring him to attend and answer to the objections preferred against it, either in person or by an authorized agent, within 15 days. The summons shall be served by delivering a copy of it to the party to whom it is addressed, or if that cannot be done, by affixing a copy of it to the outer door of the said party's house, and also in the cutcherry of the village in which the land specified in the disputed contract may be included.

Any person who may object to a registered contract may prefer a petition stating his objections, to the court of the moonsiff in which the contract may have been registered.

Summons to answer to the objections, to whom to be issued.

And how to be served.

Second.—After the period allowed to the party summoned to file his answer shall have expired, the moonsiff shall immediately proceed to examine the objections urged against the contract in question, and after taking all the evidence adduced in support of those objections, and also all that may be offered in refutation of them, if he shall deem the objections established, and shall consider them sufficient to warrant the annulment of the contract, he shall adjudge it to be null, and shall award to the petitioner such reasonable sum to be paid by the party who registered the contract as may be thought an adequate compensation for the expense and trouble to which the petitioner has been thereby subjected. If, on the other hand, the objections urged to the contract shall appear to be unfounded or invalid, the complaint shall be dismissed, and the petitioner made liable to the payment of costs, and such sum in addition as may seem to the moonsiff a proper compensation to the party complained against, for any trouble to which he shall have been subjected by the complaint having been preferred *.

Moonsiff to examine the evidence offered in support, and in refutation of the objections to the disputed contract; And if the objection be established, to adjudge the contract to be null, and award to petitioner a reasonable compensation for his expenses and trouble.

If the objections prove unfounded or invalid, the complaint to be dismissed, and the petitioner made liable to the payment of costs, and a reasonable compensation to the party complained against, for the expense to which he may have been subjected.

Proviso Third.—Provided, however, that an objection to a contract registered in conformity with the Regulation, grounded on the allegation that the contracting ryot is not the occupant of the land specified, or on the allegation that the contracting ryot, although the occupant of the land, was not competent to contract for the cultivation of it without the consent of the zemindar or person entitled to the rent thereof, shall not be held sufficient to warrant the annulment of such registered contract, unless, in the case of the first allegation, it be satisfactorily established by the original accounts of the village in which the land is included, and by the testimony of the gomashtah or putwarree, and of the mundul or head man of the village, and of the occupants of the adjoining lands, that the person objecting to the contract himself cultivated the parcel of land in question in the preceding year, and was in the actual occupancy thereof at the time the contract objected to was made; and unless, in the case of the second allegation, it clearly appear from the village accounts and the contracting ryot's cabooleent, or other authentic document, that the objector is the zemindar or person entitled to the rent of the land, and has a right to prescribe the articles of produce to be cultivated thereon: provided also, that no deed of contract executed by a ryot for the delivery of indigo plant or other article of produce, which does not stipulate for the produce of a specified parcel of land, or deed so stipulating, which does not clearly define the parcel intended, shall be deemed sufficient to authorize the annulment of a deed executed by the same ryot which shall have been prepared and registered conformably to the rules of the Regulation.

Further proviso.

VII. In

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of copies of the deeds, and of the endorsements on them, to the judge of the zillah, to be recorded in his court, seems to provide every possible security.

I have not made it necessary that the contracting ryots should acknowledge before the moonsiff their consent to the conditions of their contracts at the time of registry, because the number of ryots engaging every season with a factory may be so great as to make it impossible to procure the attendance of all of them at the moonsiff's court simultaneously; and it might be exceedingly inconvenient to the manufacturer, or his agent, to have to attend with some of them at one time, and some at another; and, moreover, considering the possibility of one person personating another, or engaging for the cultivation of land in the occupancy of another, it is by no means certain that a rule requiring the attendance of the engaging ryot would be more effectual for ascertaining that actual occupants of the lands specified had engaged, than the advertisements of the contract which I have proposed to substitute.

* It is obvious that to refer a ryot who has to support himself and family by his labour, to a tribunal at a distance from the place of his abode for redress, when an act of injustice has been done to him, is in effect to deny him redress; and it is therefore indispensable to the attainment of the object which this Regulation has in view, that suits relating to contracts between the manufacturers and the cultivators of indigo, should be made cognizable in the first instance by the courts of the moonsiffs, or by courts equally accessible to both parties. It appears to me to be impossible otherwise to devise means whereby both security to the manufacturers for the due application of the capital advanced by them, and also protection to the cultivators in the possession and disposal of the produce of their lands, can be afforded.

On these considerations, I have proposed to make all suits under this Regulation cognizable in the courts of the moonsiffs, assuming those courts to be (as they should be) fit to be entrusted with such suits, or that they will be rendered fit by the appointment to the office of moonsiff of men of respectable character and requisite qualification; with adequate salaries, and by the establishment of an effective system of control over their proceedings.

When a ryot, whose contract to cultivate a defined parcel of land has been registered, shall refuse to cultivate or fulfil his engagement, the manufacturer with whom the contract has been made may either take the usufruct for the current year, of the land specified, or prosecute the defaulting ryot for the penalty conditioned in the deed of contract.

VII. In cases in which a ryot having contracted for the cultivation of indigo plant on a defined parcel of land, and whose contract has been registered and advertised as directed in this Regulation, and has not been subsequently declared null by a judicial decision passed under the preceding section, shall refuse to cultivate with indigo plant the parcel of land specified in the deed of contract, or, after having cultivated it, shall refuse to deliver the produce to the manufacturer with whom the contract was made, such manufacturer shall have the option of taking the usufruct of the specified parcel of land for the then current year, subject to the conditions mentioned in the following section; or of prosecuting the defaulting ryot for the amount of the penalty conditioned in his engagement *.

A manufacturer intending to adopt the first course mentioned in the foregoing section, how to proceed;

In case of the contracting ryot refusing, to cultivate the land.

In case of the contracting ryot refusing, after having cultivated the land, to deliver the produce.

Proviso.

VIII. First.—In cases in which a manufacturer may deem it advisable to follow the first of the courses mentioned in the preceding section, it shall be incumbent upon such manufacturer, 10 days previous to the date fixed by the deed of contract for commencing the cultivation, to cause a written notice of his intention to adopt that course in the event of the cultivation not being commenced on the day fixed, to be served on the contracting ryot, and also a copy of it to be affixed to the door of the said ryot's house; and if the cultivation be not commenced on the date, or if after being commenced, it be not completed on the date stipulated for its completion, it shall be competent to the manufacturer to take possession for the current year of the parcel of land defined in the deed of contract, and to cultivate it by means of his own or hired servants. In case of the land being cultivated by the contracting ryot, it shall be incumbent upon the manufacturer, when the plant growing thereon shall be sufficiently ripe for being cut, to cause a written notice to be served on the ryot, and also affixed to the door of his house, requiring him to commence the cutting and delivery of the plant on a given day; and if the cutting and delivery of the plant be not commenced on that day, and continue till the whole be cut and delivered, it shall be competent to the manufacturer to take possession of the plant, and to employ his own or hired people to cut it down and carry it to his factory: provided, however, that a manufacturer who in any year shall take possession of a defined parcel of land, or of indigo plant growing on a defined parcel, as above authorized, shall be held to have taken possession of such land or plant subject to the payment of whatever rent may be due for the land on account of that year, to the zemindar or other person entitled to the rent thereof under existing Regulations, and also in satisfaction of all the conditions of the ryot's contract for the same year †.

Police darogahs, after inspection of registered deed of contract, to prevent opposition to a manufacturer and his servants taking possession of land or indigo plant under the foregoing clause.

Second.—It shall be the duty of the police darogahs in whose jurisdictions land or indigo plant may be taken possession of by an indigo manufacturer under the foregoing clause, upon inspection of the deed of contract under which possession is claimed, and the certificate of registry required to be endorsed thereon, by section 5 of this Regulation, to support the possession of the said manufacturer, and to prevent opposition to his servants or other people employed by him in cultivating the land and reaping its produce.

It

* It is evident that so long as the great body of the ryots who occupy the soil are without property, the practice of making advances for the cultivation of the indigo plant must be continued, and that the manufacturer can have nothing but the land to look to as security that the capital which he advances for its cultivation shall not be misapplied. It seems equally evident, that to render the security of the land available, the manufacturer must be empowered, without previously applying to a court of justice (under liability to be compelled to make ample reparation for an undue exercise of the power), to attach and take possession of the land immediately that the ryot who has engaged to cultivate it commits an act of default, showing his intention not to perform his engagement; for it must be remembered, that when the time for ploughing and sowing, or the time for cutting the crop arrives (at either of which times only the contracting ryot's intention can be known), the delay of a day might render possession useless, and that it is impossible to devise a judicial process which could be applied for and issued with the requisite celerity.

Nor does it appear to me (the existence of tribunals capable of affording prompt justice to the ryots being always assumed) that any solid objection to vesting the powers of immediate attachment in the manufacturer can be urged on behalf of the ryots. It is optional with the latter to engage to cultivate or not; and therefore they cannot complain of a law which declares that after they have engaged they shall be considered to have given the only security they had to offer for the performance of their engagement, especially when the same law affords to them the ample security of the manufacturer's property that he will justly perform his part of the contract.

† The intention of the provision contained in the conclusion of this clause, is to prevent dispute about the quantity of the produce of the land taken possession of by the manufacturer, and to preclude the possibility of a balance being exhibited against the ryot, which would hold him perpetually bound to cultivate for the manufacturer on such terms as the latter might choose to prescribe.

The provision may perhaps appear objectionable on the ground that in cases in which a ryot, after having received an advance, does not cultivate the land he engaged to cultivate, the expense of the cultivation will fall upon the manufacturer, in addition to the advance already made by him for that purpose, which advance will consequently be lost to him. But this is an objection which cannot, I conceive, be maintained; for the provision allows the manufacturer, in the cases supposed, to take all that he can justly claim, and in fact all that there is for him to take. He will, it is to be observed,

It shall also be the duty of the police darogahs to prevent any indigo manufacturer, or the servants of any indigo manufacturer, ploughing land, or taking possession of indigo plant growing on land, for which a valid deed of contract, with the prescribed certificate of registry endorsed thereon, shall not be produced.

Police darogahs also to prevent any indigo manufacturer, or the servants of any indigo manufacturer, ploughing land, or taking possession of indigo plant growing on land, for which a registered deed of contract shall not be produced.

Third.—In cases in which a ryot shall consider himself aggrieved by having been dispossessed by an indigo manufacturer of land, or of indigo plant growing on land in his occupancy, such ryot shall be at liberty within three months from the date of the dispossession complained of, if the estimated value of one year's gross produce of the land from which he may have been dispossessed shall not exceed 100 rupees, and within three years from that date, if the said value shall exceed 100 rupees, to institute a suit against the manufacturer for compensation for the injury done by him, in the court of the moonsiff in whose jurisdiction the land in question may be situated.

A ryot, considering himself aggrieved by having been dispossessed by an indigo manufacturer of land, or of the produce of land in his occupancy, at liberty to sue the manufacturer for compensation, in the court of the moonsiff in whose jurisdiction the land may be situated.

On such suit being filed in the moonsiff's court, a summons containing the substance of it shall be issued and served in the manner directed in clause 1, of section 6, of this Regulation, requiring the manufacturer complained against to answer to the complaint, either in person or by an authorized agent, within the period of 15 days, reckoning from the end of the month which usually concludes the season for manufacturing indigo, if the summons be issued during that season, and from the date on which the summons may be served, if issued at any other time of the year. After the period allowed for filing an answer to the plaint shall have expired, the moonsiff shall take the evidence adduced by the complainant in support of his allegations, and any evidence that may be offered in refutation thereof; and if on a consideration of the whole evidence the moonsiff shall be of opinion that the complainant was deprived of the possession of the land specified in his plaint, or of plant growing thereon, by the manufacturer complained against, or by his servants, without the complainant having rendered himself liable to be dispossessed under the provisions of this Regulation, he shall adjudge the said manufacturer to pay to the complainant as compensation for the injury suffered by him, over and above the costs of the suit, a sum of money equal to the value which the land specified, if cultivated with the most valuable product of the village in which it is situated, may be estimated to be capable of yielding in a favourable year, and a further sum equal to the full amount of the penalty to which the complainant under the deed of contract executed by him would have been liable had he refused to perform its conditions; or, if he shall not have executed any deed, a sum equal to the highest rate of penalty specified in the deeds of the neighbouring ryots. On the other hand, if the complainant shall be deemed by the moonsiff to have rendered himself liable to be dispossessed of the land or plant in question, under the provisions of this Regulation, his complaint shall be dismissed, and he shall be adjudged to pay the costs of the suit, and such sum in addition as may seem to the moonsiff a proper compensation to the party complained against, for any trouble to which he may be subjected *.

On suit being filed in the moonsiff's court, a summons to be issued to the manufacturer complained against, to answer to the plaint within 15 days.

Summons how to be served, and the period specified in it from what date to be reckoned.

After expiration of period allowed for answering to the plaint, the moonsiff to take the evidence adduced, both for and against the plaintiff's allegations;

And if of opinion that plaintiff was illegally deprived of the land specified in his plaint, or of plant growing thereon, to adjudge compensation to be paid to him by defendant, with costs of suit.

Amount of compensation, how to be estimated.

If the complainant be deemed by the moonsiff to have rendered himself liable to be dispossessed, costs of suit and compensation for trouble to be adjudged to the party complained against.

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observed, obtain the whole quantity of plant the land is capable of producing, and of course the whole *value* of that quantity; which value, if the plant be estimated at a fair price, must be sufficient not only to cover the rent payable for the land, and the expense incurred in cultivating it, but also to *give a profit to the cultivator*. This profit the manufacturer will have in repayment of the advance made by him to the ryot. Its amount may, indeed, fall short of the amount of the advance; but for this there can be no remedy, and the deficiency must be given up by the manufacturer as an irrecoverable loss, wholly ascribable to his own imprudence, in having advanced a larger sum than, with reference to the circumstances of the ryot, and the capability of his land, it was safe to do.

In regard to the ryot, the provision seems also unobjectionable. Its operation will be most unfavourable to him when the advance received by him shall be expended in the cultivation of the land, of which the produce shall be afterwards taken by the manufacturer. The ryot, in this case, will lose the profit which the produce would yield if delivered according to the terms of the contract, supposing those terms to be advantageous to him. But the loss will be owing to his own fault, and will be no more than a just penalty for his not performing his engagement.

I would further observe in regard to the provision in question, that it is likely to have a beneficial tendency in two ways. On the one hand, it will make it necessary for the manufacturers to inquire more particularly than they now do, as to the extent and capability of the lands occupied by the ryots with whom they deal, and to apportion the amount of advance to each, according to the probable produce of the land which he engages to cultivate. On the other hand, it will tend to induce contracting ryots (supposing the terms of contract made with them to be equitable) to keep to their engagements, by rendering it difficult for them, without the consent of the parties with whom they contract, to deliver to others the produce of the lands contracted for.

* It seems expedient that the time allowed for instituting suits under this Regulation, arising out of transactions of small value, should be limited to a short period after the cause of action may arise, with a view to the prevention of the obviously objectionable practice of allowing such claims to lie dormant until they accumulate to an amount not easily satisfied, and give a legal power of compelling the consent of the debtors to terms disadvantageous to them in the negociation of future contracts.

A manufacturer, not taking possession of land, or of the produce of land in the occupancy of a cultivator refusing to perform the conditions of his contract, at liberty to institute a suit in the court of the moonsiff in whose jurisdiction the defaulter may reside, for the amount of the penalty conditioned in his engagement.

IX. First.—In cases in which an indigo manufacturer may not think it advisable to avail himself of the option given to him of taking possession of land, or of the produce of land in the occupancy of a cultivator refusing to perform the conditions of a contract agreed to by him; and also when that course cannot be adopted, in consequence of the deed of contract not stipulating for the produce of any particular portion of land, such manufacturer shall be at liberty to institute a suit in the court of the moonsiff in whose jurisdiction the alleged defaulter may reside, for the amount of the penalty conditioned in his engagement, provided the petition of plaint shall be preferred within three months from the date of the alleged default, in case of the penalty claimed not exceeding the sum of 100 rupees, and within three years from that date, in case of the claim exceeding the said sum of 100 rupees. On such suit being filed in the moonsiff's court, a summons containing the substance of the plaint shall be issued and served in the manner directed in clause 1, of section 6, of this Regulation, requiring the alleged defaulter to answer to the claim preferred, either in person or by an authorized agent, within 15 days, reckoning from the end of the month which usually concludes the season for manufacturing indigo, if the summons be issued during that season, and from the date on which the summons shall be served, if issued at any other time of the year. After the period allowed for filing an answer to the claim shall have expired, the moonsiff shall take the evidence adduced by the manufacturer in support of his claim, and also any evidence that may be offered by the alleged defaulter in support of his objections thereto; and if on a consideration of the whole evidence, the moonsiff shall be of opinion that the deed of contract filed by the manufacturer was agreed to by the cultivator, and that he dishonestly refused to fulfil his engagements in the manner stipulated, the moonsiff shall adjudge him to pay to the manufacturer the full amount of the penalty conditioned by the contract, with the costs of suit, or to be imprisoned in the dewanny gaol of the zillah for such limited time as may be deemed an adequate punishment for his dishonesty: provided, however, that in cases in which a contracting cultivator prosecuted under this section, shall plead inundation, or other calamity of season which he could not prevent, as the cause of his failure to fulfil his engagement, and the truth of the plea shall be satisfactorily proved, and it shall not be expressly stated in the deed of contract that he agreed to take the whole of such risk himself, he shall not be held to have incurred the penalty specified in the deed, and such award shall be passed as under all circumstances may be deemed to be equitable*.

Period within which such suit must be instituted.

On suit being filed, a summons to be issued requiring the alleged defaulter to answer to the claim preferred in 15 days.

From what date the period specified in the summons is to be reckoned.

After the expiration of the period allowed for filing an answer, the moonsiff to take the evidence both for and against the claim.

If it be established that the defendant agreed to the deed of contract filed by the plaintiff, and that he refused to fulfil its conditions, the moonsiff to adjudge him to pay to the plaintiff the full amount of penalty specified in the deed, or to be imprisoned for a limited period.

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Any person not being a party to a registered deed of contract, inducing the contracting cultivator to evade performance of his engagement, liable to be prosecuted in the court of the moonsiff for such interference, by the party injured thereby;

Second.—In cases in which a ryot, who has contracted for the cultivation of indigo plant on a defined parcel of land, and whose contract has been registered and advertised in conformity with the provisions of this Regulation, shall have been induced by a person not a party to such contract to evade the performance of its conditions, it shall be competent to the party injured thereby to prosecute such person in the court of the moonsiff for his undue interference, in like manner as it is competent to him to prosecute the defaulting ryot in that court under the foregoing clause of this section; and if it shall be established by the evidence adduced, that the defendant received any part of the produce of the parcel of land which the defaulting ryot was bound by his registered deed of contract to deliver to the prosecutor, the moonsiff shall adjudge the defendant to pay to the prosecutor the amount of the penalty specified in the said deed, together with all costs of suit†.

And on its being proved that he received any part of the parcel of land specified in the registered deed of contract, to be adjudged to pay to the prosecutor the amount of penalty specified therein, with costs of suit.

Every decision passed by a moonsiff, under this Regulation, may be appealed from, to the city or zillah judge to whose authority the moonsiff passing the decree may be subject, provided the petition of appeal be preferred within three months from the date of the decree appealed from.

X. First.—Any person who may be dissatisfied with a decision passed by a moonsiff under this Regulation, shall be at liberty to appeal from it to the judge of the city or zillah to whose authority the moonsiff who passed the decision may be subject, provided the petition of appeal be presented to the judge within the period of three months from the date

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The limitation proposed would also tend to encourage the establishment of substantial indigo plant growers, by operating as a discouragement to manufacturers dealing directly with the inferior classes o cultivators.

* It was obvious that the penalty conditioned in deeds of contract, executed by ryots who possess no property, will have little or no effect in inducing them to fulfil the conditions of their engagements, if the courts be only empowered to adjudge them to pay the penalty, and if imprisonment in execution of the decrees passed against them may be evaded by claiming the benefit of the Regulation for the relief of insolvent debtors, to which they must be admitted, or suffer imprisonment for life. On this consideration, I have thought it expedient to provide, that ryots dishonestly evading the fulfilment of their engagements, shall be adjudged either to pay the pecuniary penalty conditioned in the engagements, or in lieu thereof, to undergo such a limited term of imprisonment as may be deemed an adequate punishment for the dishonest act committed by them.

This provision, I beg to remark, will have the same effect as the measure recommended in the memorial of the Jessore manufacturers.

† The provision contained in this clause, it will be remarked, is in effect the same as that suggested in the letter of Messrs. Alexander & Co.

date of the moonsiff's decision. The decision of the city or zillah judge on the appeal shall be final, unless the Sudder Dewanny Adawlut shall see special reason for revising his proceedings; in which case it shall be competent to that court to admit a special or second appeal, and to annul or alter the decision of the city or zillah judge, as may be deemed proper.

The decision of the city or zillah judge on the appeal to be final; But Sudder Dewanny Adawlut may admit a second appeal on special grounds.

Second.—It shall be competent to a city or zillah judge, to whom an appeal may be preferred under the foregoing clause, and also to the Sudder Dewanny Adawlut, in a case in which a special appeal may be admitted by that court under the same clause, to affirm the decision appealed from, without calling upon the party interested in its being upheld to file an answer to grounds urged for the appeal, if after a revision of the whole of the proceedings held in the case those grounds shall be deemed insufficient to warrant the reversal or alteration of the decision; provided, however, that no decision appealed from shall be reversed or altered without notice of the appeal having been given to the party in whose favour the decision may have been passed, and a reasonable time allowed to such party to file an answer to the objections urged against it by the appellant.

City and zillah judges, in appeals preferred to them, and the Sudder Dewanny Adawlut, in special appeals admitted by that court, competent to affirm the decision appealed from, without calling for an answer to the grounds urged for the appeal.

But no decision appealed from to be reversed or altered without notice of the appeal having been given to the party in whose favour the decision may have been passed.

XI. The rules in force in regard to the value of stamp paper to be used, and the fees chargeable in summary suits and summary appeals, and also the rule which requires that summary suits and summary appeals shall be taken up and disposed of before suits and appeals standing on the regular file of the courts, shall be applicable to suits and appeals instituted under this Regulation; provided, however, that the decrees passed in suits and appeals under this Regulation shall have equal force and validity as decrees passed in regular suits; it being hereby declared, that the said suits shall be subject to the rule in regard to regular suits which enacts that the cause of action in such suits, after having been tried by a court competent to take cognizance thereof, shall not be tried a second time by the same court, and shall not be open to further litigation in any shape but that of appeal to a superior court*.

The rules in force in regard to stamp paper and fees, in summary suits and summary appeals, and also the rule requiring summary suits and summary appeals to be tried before suits and appeals standing on the regular file of the courts, to be applicable to suits and appeals instituted under this Regulation;

But the decrees passed in suits and appeals under this Regulation to have equal validity as decrees passed in regular suits and appeals.

XII. First.—Whenever a party obtaining a decree in the court of a moonsiff, under the provisions of this Regulation, shall be desirous of having it enforced, he shall present a petition, either in person or by an authorized agent, to the moonsiff who passed the decree, praying for its execution, either by the arrest and imprisonment of the party answerable for the amount adjudged, or by the attachment and sale of any property that may be possessed by him, a specification and description of which shall be annexed to the petition. The moonsiff, after comparing the petition with the decree in the original record of the suit, shall cause the party against whom execution is applied for to be served with a written demand for payment of the amount adjudged against him, within the period of 15 days: the demand shall be served by a peon of the moonsiff's court, and if it cannot be served personally on the party to whom it is addressed, it shall be affixed to the outer door of his usual place of residence, which shall be deemed to be a sufficient service of it.

A party obtaining a decree in a moonsiff's court, desiring to enforce it, to present a petition for execution to the moonsiff who passed the decree.

The moonsiff to cause a written demand to be served upon the party against whom execution is applied for, requiring him to pay the amount of decree in 15 days.

The written demand, how to be served.

Second.—If the amount due under the decree shall not be satisfied within 15 days, the moonsiff, immediately after the expiration of that period, shall report the case to the judge of the city or zillah to whose authority he may be subject, transmitting with his report copies of the decree, of the petition applying for its execution, of the demand served upon the party answerable for its amount, and of the return made thereto.

If the amount of the decree be not satisfied in 15 days, the moonsiff to report the case to the judge of the city or zillah to whose authority he may be subject.

Third.—On the receipt of the moonsiff's report by the city or zillah judge, the latter, if the person answerable for the amount of the decree possess property of value equal to the amount, shall cause such property to be attached and advertised for sale in satisfaction of the decree, conformably to the rules prescribed in Regulation VII. of 1825, and shall order the property to be sold on the day appointed for the sale to take place agreeably to advertisement, should the decree not be previously satisfied.

The city or zillah judge, on receipt of the moonsiff's report, to cause the property of the person answerable for the amount of the decree to be attached and brought to sale, conformably to the rules of Regulation VII. 1825.

If the person answerable for the amount of the decree possess no property, the judge shall cause him to be arrested and committed to the dewanny gaol, to be there confined for the limited period adjudged by the decree.

If the person answerable possess no property, the judge to cause him to be arrested and imprisoned for the period adjudged by the decree.

Fourth.—In cases in which an appeal shall be preferred from the decree of the moonsiff within the time allowed for appealing, it shall be competent to the judge to stay execution pending

In cases in which an appeal may be preferred against the moonsiff's decree, execution may be stayed pending the appeal.

* It is to be observed, in regard to the suits intended to come within the provisions of this Regulation, that although made subject to the rules applicable to summary suits for reducing law charges and ensuring speedy decision, they will be in every other respect the same as regular suits; that is to say, the whole evidence on both sides will be examined, and the whole merits of the dispute investigated before decision.

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pending the appeal; provided property answerable for the amount of the decree shall have been attached, or if no property be forthcoming, provided the appellant shall give sufficient security for his appearance when required, in the event of the decree being affirmed.

Petitions for the execution of decrees passed under this Regulation, within what period to be preferred.

Fifth.—Petitions for the execution of decrees passed under this Regulation shall be presented, if the amount of decree do not exceed 100 rupees, within the period of three months, and if the amount exceed that sum, within the period of one year from the date of the decree for the execution of which the application is made. In cases in which execution shall not be applied for within the prescribed period, the decree-holders shall be considered to have relinquished their rights to demand execution*.

Explanation in regard to the stamp paper on which engagements for the cultivation and delivery of indigo plant may be written.

XIII. No objection shall be taken against any deed of contract for the cultivation and delivery of indigo plant on account of its not bearing the proper stamp, provided that it be executed on paper bearing a stamp of such an amount as would be required under the rules in force for a bond of the amount actually advanced, or acknowledged to be advanced, as the consideration for entering into the agreement.

The cutting down by force, or damaging indigo plant, to the injury of any person having an interest therein, declared to be an offence punishable by the magistrate.

XIV. The cutting down and taking away by force or otherwise, or the damaging or causing to be damaged by means of cattle or otherwise, indigo plant growing on land, for the cultivation of which an advance of capital has been made by an indigo manufacturer or other person, to the injury of such manufacturer or other person, or of the ryot by whom the plant may have been cultivated, is hereby declared to be a criminal offence, punishable by the magistrate with imprisonment and labour for a term not exceeding one year.

Cases attended with aggravating circumstances to be made over for trial to the commissioners of circuit.

In cases attended with severe wounding or homicide, or other aggravating circumstances, the persons charged with having been concerned in the commission of the offence shall be brought to trial before the commissioner of circuit, and shall be liable, on conviction, to such punishment as the commissioner, under the general Regulations, may be competent to award.

(68.) Indigo Planters: Mr. Prinsep's Notes; 26 October 1829.

(68.)—Mr. *H. T. Prinsep*'s NOTES, dated 26th October 1829.

Note.—I HAVE made an Abstract of Mr. Ross's Regulation for disputes regarding indigo plant, which is annexed hereto, having deemed it impossible to judge of a matter of this description without having the substance of the rules in a compressed form before me, so as to allow ready comparison one with another, and that the scope and effect of the whole might be seen by having all the parts in a small compass under view at the same time.

What is new in principle in the Regulation may be summed up shortly under the following heads:

Section III.

1st. Europeans have full liberty given them to purchase, lease and occupy all manner of tenures of land, under the condition of liability to all the civil courts, whether administered by native or European judges.

Sections IV. & VI. Third.

2d. Ryots are declared to have the right of determining what crop shall be taken from land, unless the contrary can be proved by the zemindar, and of disposing of their crop of indigo plant at pleasure.

Sections V. & VIII.

3d. Indigo manufacturers engaging with ryots for plant grown on defined parcels of land, and registering their contracts with the moonsiff, have a lien, and may enforce it on their own authority, over the land for cultivation, if they please, and over the crop for reaping, being answerable however for the zemindar's revenue.

(*N.B.*—By Regulation VI. 1823, they have only a lien on the indigo crop, enforceable by summary process to be taken out in the zillah adawlut.)

Section VIII. Clause Third.

4th. For abuse of the authority so granted, the manufacturer may be sued before the moonsiff, and cast in the same penalty as the contract stipulated against the ryot, besides costs; the suit, however, is not to be proceeded in till after close of the indigo season, and then to be tried after 15 days.

Section IX. First.

5th. Manufacturers may sue out the penalty of their contracts before the moonsiffs, in lieu of proceeding against the land or crop, in which case the calamity of season may be pleaded in bar, unless the contrary is specially stipulated. If decreed against the ryot, the decree to adjudge a term of imprisonment in commutation.

Section IX. Second.

6th. A third party inducing a ryot to fail in his contract, to be liable for his penalty, on proof of receipt of any part of the crop.

Section X.

7th. One appeal allowed to the zillah judge, who may dismiss without calling on the decree-holder to plead, if not satisfied with the grounds of appeal. Second appeal may be allowed by Sudder Dewanny Adawlut to that court only.

Section XI.

8th. Exemption from institution fees and other stamp duties levied in regular suits; also the advantage of priority of adjudication is granted as in summary suits, with the full effect of a regular decree.

9th. Making

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* For the reason of the provision contained in the last clause of this section, see the Note marked (*), in explanation of Section VIII.

9th. Making away with plant proved by a registered contract, or damaging it by turning in cattle, is made a criminal offence cognizable by the magistrates.

The other provisions are of detail, prescribing forms to be observed. These Government may adhere to or vary at pleasure. The first question is, whether the above principles are sound, and ought they to be admitted wholly or in part as the basis of an enactment; will they remove the evils complained of, or do other good to the parties whose interests are at stake, or to either or any of them, without prejudice to others? In so far as these questions can be answered affirmatively, the rules proposed may be adopted, but if the benefit be doubtful and injury to any class apparent, Government will not, it is presumed, entertain propositions which threaten such a result.

First.—The unrestricted authority for Europeans to hold land without being subject to the local criminal law, is a measure this Government can scarcely venture upon at present. There are many well-informed people who do not consider the right of holding land to be at all connected with the necessary local control of European residents; who think the latter equally indispensable whether the Europeans hold land or not; nay, who go the length to argue that the confusion which calls for the remedy of a local tribunal is greater, because of the shifts and expedients resorted to in consequence of the restrictions to their holding lands: I am not of this opinion. The unqualified removal of the restrictions of Europeans holding land, would open to them a new branch of speculation not entered upon by them hitherto, because of their legislative exclusion, viz. land jobbing or other zemindarry jobbing. The purchase of tenures sold by the courts or collector for arrears or for private debts, with a view to profit from enhancing the revenues drawn from the ryots, is, and most fortunately for the credit of the Government and nation, has been since 1793, confined to natives. Had the old families holding rajugees and zemindaries, which to the extent of more than half of the Government jumma for Bengal, were sacrificed to the inflexible rigour of the Cornwallis system, seen their estates, one after the other, fall into the hands of English adventurers; had they seen these people watching about the collector's cutcherry for a bargain purchase at each public sale, their feelings, and those of the great body of the people, towards their governors, would have been widely different from what they now are. It cannot however be necessary to enter on this ground; suffice it that hitherto, notwithstanding that natives have carried speculation in zemindarry purchases to a mischievous extreme, so as to call for a legislative remedy for the evils which ensued, there has been no land jobbing by Europeans; there have indeed been occasional purchases and more frequent farms be namee, that is, in the name of native dependants or children, but these have all been subsidiary to other speculations, to aid the extension of indigo cultivation, or to afford facilities for more chimerical projects, which have been attempted everywhere with various success, and the farms have been taken and the purchases made with an anticipation of loss on the bargain more frequently than the contrary; nothing of the kind has been entered upon as a primary object of speculation, and that simply because it was forbidden, and because no capitalist at Calcutta would advance the funds for engaging in such a line of adventure so long as it was so. If the restriction were at once to be wholly removed, this line of adventure must be expected to be superadded to the other inducements to reside and seek fortune in the interior which now exist; and while the number of adventurers would be augmented beyond measure, their relations with the people would be more complex, and the materials of collision would be infinitely multiplied, while the single restraining authority at present possessed by Government, in its power of removing Europeans without trial, would become wholly inefficient. With what face could the Government ask to reserve to itself a power of removing a man from his inherited or purchased freehold? And how can it be reconciled to the laws and prejudices of England, whence confirmations of this authority will have very shortly to be solicited, to leave in the hands of Government the means of separating the proprietor from his fee simple, and the tenant, who has been encouraged by the law to embark capital freely in a speculation for increased produce from his tenure, at the moment perhaps when it begins to yield return. What has been said hitherto applies only to born subjects of England; their legitimate descendants born in this country, with the rights of their parents in respect to law and those of their country for location, will be much more embarrassing. In short, what is meant to be urged is simply this, that wholly to remove existing restrictions on the residence and occupation of land by Europeans before we have a local law strong enough to control Europeans, or a legislature competent to make such a law, would be beginning at the wrong end; to say nothing of the doubtful competency of this Government legally to make a great alteration in the constitution of the Government and its system of administration, as established under orders from England, and as confirmed by the Legislature of England, nor of the obligation to obtain from the same authorities some previous sanction for every departure from the fundamental principles they have laid down for our guidance.

Section III. of Mr. Ross's draft may, however, be omitted without injury to other principles of his proposed enactment; and it is to be considered how far these also will stand question.

The second point noticed above is, the declaration of the ryot's right to cultivate what produce he pleases, and to engage to deliver his crops to whomsoever he pleases. I believe it would be of the best effect, and no more than their just right, to make this declaration in behalf of the khoodkosht ryots of Bengal; but in the draft it is put much too generally. When land is assessed with a money rent according to its quality, nothing

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can be fairer than to leave the occupant cultivator to settle what he will grow each year, and how dispose of his crop; but nearly half the land of Bengal is rated by its produce: rice land paying so much, and sugar land, &c. its different rate. In such cases no change can be made without an arrangement between the parties; and to allow sugar land to be turned to indigo at the will of the ryot only, would deprive the receiver of the rent or revenue of more than half his income. In like manner, when the zemindar's rent or revenue is drawn as a proportion of the crop, or as commutation for the same, a change made to indigo without his knowledge would wholly disorganize his relations with the tenant, who might yet be an hereditary occupant entitled to hold, without power in the zemindar to remove him. The remedy afforded in Section VI. third clause of the draft, throws the onus of proof on the zemindar, and is sharp practice against him, seeing that he will be concluded in perpetuity if the manufacturer's contract be once admitted to registry. If Mr. Ross's rule had been drawn as applicable only to ryots paying fixed money rents for defined portions of land, there could be no objection to it; on the contrary, it would be a highly beneficial provision, as tending to declare their rights and establish their independence, but it will do mischief if left general.

Third.—The extension of the lien granted by Regulation VI. 1823, to the usufruct of the land, instead of confining it to the crop of indigo growing thereon, is a beneficial provision, and I think manufacturers might be allowed to enforce planting and reaping, where they have contracts for defined parcels of land, in some manner analogous to that laid down. But the condition of registry and advertisement in the moonsiff's court, according to the process of the draft, will quite defeat the provision of any good effect it is calculated to produce: for, in the first place, engagements are seldom entered into, and advances never made, so much as three months before the commencement of the time for cultivation; nor is the time of cultivation anywhere fixed and certain; in Bengal, it is always dependent on the fall of rain. Again, the engagements are counted by thousands for each factory of any size, and in amount run for the most part from two and three rupees to eight and ten advanced on each: the expense and trouble of registering and advertising, and of making the copies prescribed of so many deeds, not to mention the stamps, would amount to 50 per cent. at least on the total advances of a factory, and would consequently be an expense both of money and (what is of more importance) of time, such as no concern could bear. Doubtless, specification of the land with its boundaries, so as to be capable of identification, must be a condition of a manufacturer's obtaining process against land or against its crop. The further condition of registration, with notice served both on the ryot and upon the land, is superfluous and impracticable, and calculated to render abortive the whole provision.

The remedy afforded by this part of the draft seems to proceed upon the principle, that all the affrays, violence and bloodshed that take place, have their origin in the difficulty experienced by indigo manufacturers in holding ryots of acknowledged occupancy, who have allowed their land to be measured off and defined, and have publicly signed contracts for growing indigo there for delivery at a given factory, to the terms and stipulations of their engagements; but it is not on account of such ryots that affrays occur; it is where, in the eagerness to extend cultivation, the manufacturer presses money upon a half-unwilling ryot, or on one of several joint ryots, or on ryots who have no right to change their cultivation without the zemindar's permission, or on ryots not in possession; in all which, and 500 similar cases that might be cited, the manufacturer has not the land measured out to him and specified, but relies on the ryot's word as to his possession, and as to the land's fitness for the plant, confirmed perhaps by a dishonest gomashta. Ryots, in any of the above predicaments, will get advances from as many factories as they can, intending to be dishonest to all. The remedy should be sought, not by increasing the power of the manufacturer over his good ryots, about which there is no dispute, but by applying checks to the practice of entering into loose contracts, and making advances to unknown persons, without seeing the land engaged to be cultivated. With Mr. Ross, I would give no redress to a planter who made advances without visiting the land in person, and having it measured out to him, and in whose contracts the boundaries were not specifically described and laid down, so as to be capable of identification: a rule of this kind would do infinite good, provided the police and courts were strong enough to prevent people from thriving by violence; but the manufacturers trust, at present, to their lutheeal to supply the deficiency of their contracts. The stronger party benefits always by the looseness of an engagement; and while this is the case, that is, while through the inefficiency of the existing law to protect the weaker, the manufacturers can bear down the ryots by hired ruffians, it may be part of their policy to cry out against the system, as compelling them to resort to such means of righting themselves; but Government will not readily be persuaded that they are the oppressed class who require to have their hands strengthened by farther legislative provisions. I do not say this would be the effect of Mr. Ross's proposed Regulation; for Mr. Ross has very properly required a contract, with specification of boundaries and other clear stipulations, as the condition of a manufacturer's exercising the powers he has conferred; but for this very reason it will be ineffectual for the purpose, and will neither prevent affrays and fights for the growing crop, nor afford facilities in settling the disputes when brought afterwards into court by parties, none of whom will be found to have the pukka engagement Mr. Ross has assumed as a preliminary to the application of his remedy.

Fourth.—The fourth point noticed as new in the draft is, that it opens the moonsiff's courts for redress. The class of persons who fill the situations of moonsiff throughout the

country are unfortunately not of the first credit and respectability. It is said that every large manufacturer makes a point of having the police darogahs in his pay: it would be much more worth his while, if this Regulation were to pass, to pay for the moonsiff's good will; and unless the situation were differently filled from what it is at present, he would assuredly do so. If local pergunnah courts could be provided of good character, and filled with men of the class who are now generally appointed sudder ameens, I should see no objection to making them the arbiters of quarrels between indigo manufacturers and their ryots and neighbours, or even with zemindars; and if it be intended to substitute such persons for the present moonsiffs, the rule or something similar might be passed; but I should prefer to see it drawn for making the cases cognizable by sudder ameens, with power to the Government to increase their number and locate them when required, because of the good repute these officers enjoy, which the moonsiffs do not.

With respect to the fifth point, the summary process for recovery of the penalty, when the manufacturer prefers this to proceeding against the land or crop, and the admission of the plea of calamity of season in bar to such an action, with the adjudication of a term of imprisonment for default of payment, are new provisions. There is one objection, however, which occurs *in limine* to the grant of any special favoured process in respect to contracts for delivery of indigo. Why confine the rule to indigo, when the same principle will apply to advances for sugar, cotton, rice, or any other produce? The summary process should be given to all or none; and for this reason, the consideration of this part of the draft should be taken up along with the determination as to the expediency of passing a Regulation of the kind proposed by me, some time ago, for the purpose of opening the summary courts to all simple-contract debts, agreeably to the instructions to that effect issued by the Honourable Court of Directors. Supposing Mr. Ross's rule to be made general for all contracts, and assuming the moonsiff's court to be put on the respectable footing of the present sudder ameen's courts, I see no objection to the principle of these provisions of this draft, nor to the admission of the plea of calamity of season, and the fixing by the decree a limit to the term of imprisonment in default of payment, the defaulter being then released under the rules applicable to insolvents.

Sixth.—I see also nothing inequitable in making an interloper, who has induced a ryot to fail in his contract, answerable jointly and severally with him for the penalty; nor in making proof of the clandestine receipt of the article contracted for to another, by the interloper, sufficient evidence of his being the inducing party to warrant decree against him; but this also should be extended to all articles, and not confined to indigo.

Seventh.—The single appeal to the zillah judge, with special appeal to the Sudder Dewanny Adawlut when the failure of justice is glaring, are manifest improvements on the present system, which leaves cases to be observed for years in the most defective of all civil tribunals, the provincial courts of appeal. I should anticipate, however, that both before the moonsiff's and in the zillah court, cases instituted under the Regulation would frequently be found to involve new points of law and complex interests, such as it would be the height of injustice to decide summarily, and pass a conclusive decree upon, without allowing both the time to plead and produce evidence, and the process of investigation laid down for disputes of a formal character, when made matter of regular action. The rule, therefore, of my draft allowing transfer of a case by the judge, whether native or European, to the regular file, will deserve consideration, if the draft should be approved, or a Regulation founded on it be ordered to be prepared.

Eighth.—Europeans can be allowed no exemption from stamp duties for their cases which may not be granted to natives. The quarrels of indigo planters are not, *par excellence*, entitled to indulgence in this respect; so long, therefore, as the institution fee is paid for the court's assistance in recovering any kind of contract debt, the manufacturers of indigo must pay it on their suits, whether the process of investigation be shortened or not. This question, like that of the expediency of opening the summary courts for the recovery of simple-contract debts, must be taken up and considered as a general one, not as connected merely with the disputes between indigo manufacturers and their ryots.

Ninth.—There cannot be the least objection to the ninth and last-mentioned rule; viz. that for making the abstraction, or wilful damage by cattle, of indigo crops punishable as a criminal offence: if indeed the act were proved against a stranger, it would be so now; the difficulty is in the proof. Mr. Ross, I presume, intends to include the contractor amongst the parties so liable criminally; for in him it is equally a fraud committed against the party to whom he had engaged to deliver the plant. The wording of the rule as it now stands leaves this doubtful; indeed it would, by a strict interpretation, exclude him.

The above observations on the new principles adopted in Mr. Ross's draft have extended to such length as to preclude any present reference to the detail of the rules of process. The first question, indeed, for Government to decide is, whether to adopt the principles advocated by Mr. Ross, and made the foundation of his draft; if the determination on this point be affirmative, it will then be time to examine the rules in detail.

26th October 1829. (signed) *H. T. Prinsep*, Secretary.

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Abstract of Mr. *Ross*'s INDIGO REGULATION, Section II., Sections III. IV. V. and VI.

REGULATION XXXVIII. and corresponding, rescinded; also Regulation VI. 1823, and Regulation V. 1824.

II. Parts of Regulation XXIII. 1814, and XIX. and other Regulations, so far as inconsistent with this Regulation.

III. Europeans may purchase, rent and occupy land; thereby become amenable to moonsiffs and the civil courts.

IV. Occupant ryots may, so long as occupant, cultivate any article they please, and may engage to deliver plant to whomsoever they please. Planters have no right, except as derived under special engagement voluntarily entered into by *owners* or *occupants*.

V. First.—Indigo planters advancing for plant on defined land, to have a lien or interest in the produce of that land, provided their engagement be uniform, and recorded and witnessed as prescribed; also that particulars be specified as laid down, and the deed be registered with the moonsiff, and advertised in the village three months before commencing cultivation.

Second.—Particulars: 1st. Name of village; and, 2d. Boundaries of the land, and its name, if any. 3d. Rate or price per bundle of plant, with dimensions of the bundle, and amount of advances. 4th. Date for commencement of cultivation, and date for completion. 5th. Penalty of non-performance.

Third.—Moonsiff to register by entering a copy in a book, and by sticking up the substance in his cutcherry, and a bamboo on the field, also on the ryot's door.

Fourth.—Original to be returned after registry and advertisement, with certificate under seal, and moonsiff to forward copy to the judge of the zillah.

Fifth.—Fee of —— rupees leviable as condition of registering each deed.

Sixth.—Registers to be inspected for fee of eight annas.

VI. First.—Moonsiff to receive and determine objections to registry. Registering contractor to be summoned to reply to objections within 15 days, by notice in usual form.

Second.—Evidence to be entered on by moonsiff; and if objections be established, he may annul the contract, and award compensation to objector, and *vice versâ*, costs and compensation against him if not proved.

Third.—But no objection admissible on ground of non-occupancy by contracting ryot, or non-competency to contract, if occupant, without consent of zemindar, unless it be established, by original accounts of the village, with gomashta's or putwarry's and mundul's evidence, and occupants, of adjoining lands, that the objector himself cultivated in the preceding year, and was occupant at the date of contract, or unless, in the second case, the objector is the zemindar or rent-receiver, and is entitled to prescribe cultivation.

Further, no prior deed to be ground for annulling a registered deed, unless the same parcel of land be specified and defined therein.

VII. On a ryot under registered engagements refusing to cultivate indigo, or refusing to deliver plant, the planter to have the option of taking usufruct for the year, subject to the conditions of the following section, or of prosecuting for the penalty of the contract.

VIII. First.—If taking usufruct, planter to give written notice of intention ten days before the day fixed for commencing cultivation; copy to be affixed to ryot's door. If not commenced and completed by the date fixed in the contract, the planter may seize and cultivate with his own ploughs and people. If the ryot have cultivated, similar written notice to be given to cut and deliver; failing which, the planter may; provided, however, that if so taking, the planter shall be liable to the rent for the year, and other conditions of ryot's contract.

Second.—Darogahs, after inspecting planter's registered deed, to support his assumption of usufruct or crops as above, and to prevent any ploughing or reaping by planters, except under process as above, and with registered contracts.

Third.—Ryots aggrieved by abuse of above powers to sue planters before the moonsiff; if gross annual produce of the land seized or reaped does not exceed 100 rupees, summons to be served with notice of suit as in section 6, requiring answer in 15 days from last day of the last month of the indigo season, if issued during the season, or 15 days from date of summons at other periods. If wrong is proved, moonsiff is to decree, besides full costs, damages equal to value of the most valuable product the land of the village is estimated to yield, and a further sum equal to the penalty of the contract leviable on the ryot for failure; if the plaint be dismissed, plaintiff to be amerced, besides costs for compensation to planter.

IX. First.—If the planter do not seize land or crop, or be unable from non-specification in the deed, he may sue before the moonsiff for the penalty of the contract, at any time within three months from date of default if not exceeding 100 rupees, and three years if above. Summons of notice to answer 15 days after close of season, &c. as in section 8, to issue, and moonsiff to decree penalty with costs, commutable to imprisonment in dewanny gaol.

Proviso,

Proviso, that if inundation or calamity of season be established, and the deed do not specifically throw this on the ryot, no penalty will be incurred.

Second.—If a contracting ryot have been *induced* by a stranger to evade or refuse performance, the party imposed may prosecute the stranger in the moonsiff's court, and recover the same penalties as against the ryot, on proof that defendant received any part of the produce of the land. (68.)IndigoPlanters: Mr.Prinsep'sNotes; 26 October 1829.

X. First.—Appeal to lie from moonsiffs to zillah judge, if lodged within three months, and the judge's decree to be final, unless appeal be permitted by Sudder Dewanny Adawlut to itself.

Second.—Moonsiff's and judge's decrees may be affirmed, without calling for answer to the vajoohat, if the grounds appear insufficient, but not altered without argument and hearing.

XI. Stamps and priority to be regulated as for summary suits, both in original and appeals, under this Regulation; but judgments to have effect as in regular suits, and not to be levied a second time.

XII. First.—To enforce decrees, petition to be lodged with moonsiff, for arrest or attachment, and sale of property, with specification annexed. Moonsiff to serve a written demand on defendant for payment in 15 days; this to be affixed to the house, failing service on the person.

Second.—Failing payment in 15 days, case to be reported to the zillah judge.

Third.—Who will order property to be attached, and advertised for sale under Regulation VII. 1825. Failing property, the person to be arrested and sent to gaol for the period allotted in commutation.

Fourth.—In case of appeal from moonsiff, the judge may stay execution if attachment of sufficient property have been made, applicant giving security.

Fifth.—Application to enforce decrees must be presented in three months if not exceeding 100 rupees, and one year if exceeding; failing application in time, decree-holders to forfeit right to demand execution.

XIII. No objection to indigo deeds on account of stamp not being proper, if on stamp as per scale for bonds.

XIV. Cutting and taking plant by force by other than a registered contractor, damaging crops by cattle, declared criminal and cognizable by magistrates; penalty, imprisonment with labour for one year; commitment for trial by commissioner of circuit, in case of wounding or affray.

Mr. *Shakespear*'s NOTES, dated 1st January 1830.

(69.)IndigoPlanters: Mr. Shakespear's Notes; 1 January 1830.

Mr. Ross in his Minute argues, that no protection being afforded by the laws, either to the cultivator or manufacturer of indigo, they are left to follow the course which they each conceive to be most conducive to their own interests and gain.

The cultivator endeavours to evade the performance of his contract when any advantage can be gained by so doing; while the manufacturer, on the other hand, left to his own means for the protection of his rights, is prepared to support or defend them by force.

Mr. Ross proposes to remedy these evils and afford legal protection to both parties, "by raising the qualification and powers of the courts of the moonsiffs;"—"The only tribunals so situated as to be accessible to both parties, and capable of administering justice equally to both."

"On them only," Mr. Ross adds, "can poor suitors, as well as rich, personally attend the investigation of their suits; an advantage essential in trials in the first instance to the attainment of justice, and which all courts of original jurisdiction should be capable of affording."

The establishment, however, of an efficient system of local judicature, would not of itself, in Mr. Ross's opinion, be sufficient to relieve the indigo planters from the difficulties they have to contend against: First, when the ryot, having received advances, will not sow or cultivate his land; Secondly, when he refuses to deliver the produce of the land to the manufacturer who advanced his money for it.

After pointing out the insufficiency of the existing law to afford redress in either of the above cases (for the first of which, indeed, the law does not profess to afford any), Mr. Ross suggests "the removal of the prohibition against Europeans holding lands, and the empowering indigo manufacturers to attach and to take the usufruct of land, to the produce of which they have acquired a right by contract with the occupant, immediately upon the latter refusing to plough or reap, or to do any acts necessary to enable him to fulfil the conditions of his contract."

As the Regulation framed by Mr. Ross is intended to give effect to the measures above suggested, I shall proceed to examine the several provisions of it in detail; merely noticing in this place, that Mr. Ross lays great stress at the conclusion of his Minute, on the necessity of raising the qualifications of the local courts of judicature, without which no amendment of the laws with a view to correct the evils complained of will be productive of advantage.

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On the preamble I remark, that no mention is made of one of the principal objects of the Regulation, viz. empowering the manufacturer to attach and cultivate the land, in the event of the ryot's neglecting or refusing to do so.

II. The clauses of this section go to rescind the Regulations which prohibit Europeans from holding lands; also the Regulations relating to the cultivation of indigo, and to annul all existing rules which might interfere with the exercise of the powers proposed to be conferred on moonsiffs, all which must depend on the proposed Regulation standing or not in its present shape.

III. I conceive that Government will consider the facilities now afforded to Europeans to hold lands to be sufficient, and that they are not prepared to adopt Mr. Ross's suggestion for removing *in toto* the prohibitory laws made in that respect.

The rule in clause 2, section 13, Regulation XXIII. 1814, which restricts the moonsiff from hearing suits in which Europeans, &c. are parties, should be specifically rescinded.

IV. As this Regulation requires much pruning, I would leave out the whole of this section, declaratory of a ryot's right to do what he pleases with his own land, and of a manufacturer not being entitled to the produce of lands which he may not have contracted for, or which may not have been legally assigned to him; all of which appears rather superfluous.

If the sentiments expressed in this section are intended, as Mr. Ross's note to it imports, to teach the ryots proper ideas of independence, there is too much reason to think that they would have the very opposite effect to promoting good-will between the planters and ryots. Whatever the Regulation might proclaim, no planter, I suspect, if he could possibly prevent it, would allow a ryot who had formerly cultivated lands contiguous to, and for the benefit of his factory, to carry the produce to another.

The ryot is unquestionably at liberty to do what he chooses with the produce of his own land, but I doubt much whether the happiness of the ryot (certainly not the prosperity of indigo making) would be promoted by promulgating the rule of independence proposed by Mr. Ross. Rivalry amongst indigo establishments requires no additional excitement; wherever it has been carried to any great extent, the effects have proved alike destructive to the morals of the people, the tranquillity of the district, and the pecuniary interest of the parties concerned.

V. First.—I see no objection to this clause, which is an improvement upon section 2, Regulation VI. 1823, excepting as to the manner of advertising the particulars of contracts entered into the village three months before the cultivation commences. Advertising many thousand contracts is a serious task; and not to be able to engage for lands at any time antecedent to cultivation seems a hard and unnecessary restriction.

Second.—The 4th item of the deed of contract had better be omitted, as a fruitful source of dispute. The commencement of cultivation must depend on rain; how then can it be fixed beforehand, or its completion calculated?

I would recommend that the deed should contain clauses empowering the planter to sow, cultivate and cut the crop, if the ryot neglect or refuse to do so at the proper season. This would at all events make the ryot aware of the consequences of his idleness or dishonesty.

Third, Fourth, Fifth and Sixth.—The machinery of this Regulation is too minute and complicated to work well. After the deed is registered (that is, a copy entered in a book), an advertisement containing the substance of it is to be stuck up in the village, and on a bamboo to be erected on the spot, and on the door of the contracting ryot (which implies that he had not attended the registry.)

Here is an original deed, a copy of it, and three abstracts, and three processes for notification, besides a second copy of the deed to be transmitted to the judge. No planter nor ryot (on whom a large share of it would fall) could possibly bear the expense, which in many thousand beegahs of cultivation would amount to many thousand rupees.

I quite agree with Mr. Ross that the moonsiffs might be made extremely useful in the registry of the deeds. But it would not, I think, be too much to expect, that the ryot and the factory gomashta should attend before the moonsiff in open court for the registry; and I should hope that the publicity so given would be sufficient to prevent frequent frauds, without the precaution of notifications and bamboo marks.

My idea is, that the registry book should be signed and paged by the judge, or his assistant, and that the entries should be made subject to the same forms as are prescribed for the registry of deeds at the zillah stations by registrars.

As to the fees for registry, I should say they ought not to exceed four annas for each deed, and the same fee for consulting the register.

VI. First, Second, and Third.—This rule for inquiring into and deciding on objections made to a registered contract seems good, and may stand equally well, although the advertisement before objected to should not be published. But I would not attempt to lay down any rules for the moonsiff's guidance in the decision of particular cases, as in the third clause. It would be utterly impracticable to prescribe rules to meet every case that might come before them; and if thought worthy to be trusted, I should prefer leaving them to the exercise of their own judgment and discretion.

In the note to the last clause, Mr. Ross seems to contemplate the appointment to the office of moonsiff of a more respectable and better qualified class of natives than those now employed.

employed. I confess I am at a loss where to look for such a number of men as would be required to fill the places of the present moonsiffs; the most that could be done would be for the zillah judge to select the best men to fill the office in parts of his district, where the powers conferred by the Regulation are most likely to be called into play.

VII. This is an important section, empowering the planter to take possession and cultivate the lands during the current year, for the produce of which he may have advanced, should the ryot himself refuse to cultivate; and authorizing him also to take the plant, should the ryot refuse to deliver it.

The rule very properly applies only to lands for which the contract has been registered, and has not been subsequently annulled.

The two things might, I think, be more distinctly defined. First, the mode of procedure to be adopted by the planter in case of the ryot's refusal to sow and cultivate. Secondly, the process by which the former should attach the crop, in the event of the latter refusing to deliver the produce.

VIII. First.—The rules in these two cases, applying as they do to such very different acts and circumstances, appear to me to be inconveniently mixed up in the next section and clause.

Moreover, they should expressly refer to cases in which the planter "shall have just reason to believe that an individual under engagement with him is evading, or about to evade, the execution of his contract," (as in section 3, Regulation VI. 1823.)

As the rule stands in clause 1, section 8, it would seem that in every case of cutting the plant a ryot must be served with a written notice to cut, which would be very inconvenient. I believe the rules proposed by Mr. Ross are no more than are already acted upon by planters when ryots refuse to cultivate or to deliver the produce of their lands; and I see no just reason why the practice should not be sanctioned by law; more especially if, as I have suggested, conditions to the effect authorized be entered in the contract.

If it is objected that the power is open to abuse, I would answer that it would be much less so if exercised under prescribed rules, particularly if it is restricted to lands engaged for under written and registered contracts. If not abused, there can, I imagine, be no question as to the justness of the abstract principle on which the power is granted, viz. that the planter is entitled to the produce of the land for which he has advanced his money.

I agree with Mr. Ross in the fairness of the rule at the conclusion of clause 2, which declares that if the planter takes the crop, he takes it in satisfaction of all the conditions of the contract, and moreover that he must defray the rent of the land to the person entitled to it.

Second.—This clause provides for the support of the police officers, when the planters may take possession of land or plant under registered deeds.

Third.—I see no necessity for the distinction here made in the amount of claim of a ryot against a planter, and in the period of limitation in bringing it forward: would it not be better simply to rescind the rule which prohibits moonsiffs from trying suits in which an European is a party, and to say that in all transactions regarding the cultivation of indigo, whether the demand be for the recovery of advances or the penalties specified in contracts, or for damages sustained by a ryot by the exercise of the powers vested in planters under any of the provisions of this Regulation, it shall be competent to the moonsiff to receive, hear and decide the case, subject to the rules prescribed for his guidance in other cases?

It is already contemplated to extend the powers of moonsiffs to the trial of suits in which the amount may not exceed 300 rupees, which will cover nine out of ten of the suits brought forward either by planters or ryots.

I am not however aware of any objection to requiring that a claim under 100 rupees should be preferred within three months; but I cannot help thinking that the whole of this clause is unnecessarily complex, especially in the adjustment of the penalty recoverable by the ryot, viz. "a sum of money equal to the value which the land specified, if cultivated with the most valuable product of the village in which it is situated, may be estimated to be capable of yielding in a favourable year, and a further sum equal to the full amount of the penalty to which the complainant, under the deed of contract executed by him, would have been liable had he refused to perform its conditions."

Let the ryot cultivate and state his own damage, and the award be left to the moonsiff, if within his competency.

IX. First.—In like manner, these detailed rules of proceeding on the complaint of a planter to recover the penalty of an unperformed contract, are to my apprehension equally superfluous.

The power given to the moonsiff in the concluding part of this clause to sentence a ryot, for breach of his engagement, "to be imprisoned in the dewanny gaol of the zillah for such limited time as may be deemed an adequate punishment for his dishonesty," in addition to the penalty and costs of suit, does appear to me a very extraordinary power given to a moonsiff.

Second.—By this clause persons not a party to the contract between a ryot and planter, who shall induce the former to evade the performance of his contract, and shall receive any part of the produce contracted for, may be sued for the penalty specified in the contracts.

I think this will be a salutary check to the practice which it is intended to guard against.

X. First.—Provides for an appeal from the decision of the moonsiff to the zillah judge, and a special appeal to the Sudder Dewanny Adawlut.

Second.—Allows either of the appeal courts to affirm the decision of the courts below, without calling on the respondent to answer, unless there appear grounds to reverse the decision of the court below, in which case notice shall be given to the respondent, who shall be allowed to file his answer.

I must say, I do not see any special grounds for taking indigo suits decided by a moonsiff, out of the established routine of appeals. It will always be optional to the judge to reserve cases of more than ordinary importance for his own hearing, and that mode of proceeding appears to me preferable to the one suggested.

XI. I object also to this section giving a preference to indigo suits over others, in their turn of hearing, and in amount of the stamp paper and fees chargeable to such suits. The planters ought to be satisfied with the facilities afforded to them by the Regulation, in enforcing their contracts and securing the produce to which they are entitled under them. In granting these facilities and allowing access to the local courts to both parties, the law will have done all that can reasonably be expected.

XII. First to Fifth.—I concur with Mr. Ross, that moonsiffs should be allowed to execute their own decrees not appealed against, not only in indigo, but in all suits; but there seems no necessity for the detailed rules proposed in these clauses. It will be sufficient to declare them competent to do so without reference to the judge, to whom however a report should be made of the execution of the process, and to whom of course every defaulter would be sent for confinement in the zillah gaol under the general Regulations.

XIII. This rule regarding the stamp on which a deed of contract for the cultivation and delivery of indigo should be written, corresponds with that prescribed in section 7, Regulation VI. 1823.

XIV. I believe this rule, for declaring the cutting and taking away by force, &c., or (wilfully should be inserted) damaging indigo plant, punishable by the criminal courts, will have a good effect in restraining such practices.

General Remarks.

Upon the whole, it will be gathered from the foregoing remarks, that some of the provisions and some of the details into which Mr. Ross has entered in the draft prepared by him, may, in my humble opinion, be dispensed with; but that the plan of requiring deeds to be registered by the moonsiff, and the rules proposed for authorizing the planter to sow and cultivate and appropriate the crop of a recusant ryot, are necessary to the support and maintenance of the just rights of the parties concerned.

A very short time will suffice to show the emoluments derived by moonsiffs from the registry of contracts. In many jurisdictions it will perhaps be something considerable, and will enable the judge to select from the officers of his district, or elsewhere, persons most competent to discharge the heavy additional duties which the registry and cognizance of suits relating to indigo concerns, will involve.

Integrity and impartiality, and firmness to decide in favour of the weak against the strong, when justice demands it, are the qualifications most needed for the office; and if it is liberally paid, it is not, I hope, too much to expect that they may be found.

1st January 1830. (signed) *H. Shakespear.*

(70.)IndigoPlanters: Mr. Shakespear's Additional Notes; 24 April 1830.

(70.)—Mr. *Shakespear's* ADDITIONAL NOTES, dated 24th April 1830.

AS the Governor-general in Council does not appear to approve of the provisions suggested either by Mr. Ross or myself, for authorizing indigo planters to have possession of lands when the ryot refuses to sow and cultivate, or the rules proposed for establishing registry offices under the moonsiffs, and allowing them to try suits between planters and cultivators; I beg leave to submit the following suggestions for the consideration of Government, by which some of the grievances complained of may be remedied to a certain extent.

In section 2, Regulation VI. 1823, it is stated that a person making advances for the cultivation of indigo, shall be considered to have a lien and interest in the indigo plant produced, and shall be entitled to avail himself of the process prescribed in the two following sections for the protection of his interests.

The provisions of those sections, however, proceed on the assumption that the plant has actually been produced on the land for the cultivation of which the advances were made. They provide no means to compel the ryot to cultivate, nor to punish the first and most important breach of his engagement, on which the whole interest of the person advancing depends, and for the protection of which the Regulation professes to have been enacted.

The only remedy afforded by the Regulation in case the ryot fails to cultivate, is to be found in section 5, and consists in a summary process for the recovery of the advance, with interest, or in a regular suit for the enforcement of the penalty specified in the agreement. But the objections taken to those rules, on the manifest inutility of suing paupers either in one way or the other, are so unanswerable, that the argument does not require to be enlarged upon.

Is there no remedy then for a person who advances his money under specific contracts? or can it be just, that the receiver should take the money on false pretences, without the remotest

remotest intention of fulfilling his engagements, while he escapes punishment, and leaves the advancer to sue him in the civil court?

Surely this is contrary to the commonest principles of equity and good faith. It is acknowledged to be so in contracts for work, section 5, Regulation VII. 1819; why not in contracts for ploughing and sowing, and delivering of indigo plant.

The following rule is proposed on this part of the subject: "In addition to the rules provided in Regulation VI. 1823, it is further declared, that in cases in which a ryot who shall have received advances, and entered into a written agreement for the cultivation and delivery of indigo plant in the manner indicated in the Regulation, shall wilfully neglect or refuse to sow or cultivate the ground specified, shall be deemed guilty of a misdemeanor, and on conviction before a magistrate or joint magistrate, shall be liable to a sentence of imprisonment not exceeding one month; the magistrate or joint magistrate may likewise require the person so convicted to sow or cultivate the ground specified, if it shall appear just and proper to require the same; and any subsequent conviction of wilful neglect or refusal to comply with such requisition, shall be punishable by a further sentence of imprisonment not exceeding two months."

This is taken from Regulation VII. 1819, Section 5. The Calcutta bye-law for the punishment of workmen and labourers refusing to perform work, authorizes a fine of 100 rupees, or imprisonment in the house of correction with hard labour for 60 days.

A rule of this nature would meet the complaints which have been made of ryots ploughing up seed already sown, or sowing the ground with rice after it had been sown by them with indigo.

In short, next to allowing the planters to take possession of the ground during a season, it seems to be the only remedy which can be given to the planter against a fraudulent ryot.

The next point to be considered, is the best means of preventing the interference of a third party between the planter and the ryot who has taken his advances.

It is stated in the letter from Messrs. Alexander & Co. to Government, with which this discussion commenced, that, "If Government would be pleased to consider the contracts of the indigo planter as forming the good-will of concerns, and introduce a rule to punish the party interfering with the contracts during their existence, by summary process, instead of the ryots, or interfering after notice having been given that previous contracts exist, an immediate stop would be put to the present unfair competition, and an infinity of trouble and labour saved to the officers of Government."

The following clause is proposed to remedy this grievance: "In addition to the rules prescribed in clause 3, section 5, Regulation VI. 1823, it is hereby provided, that in cases in which a ryot who has contracted for the cultivation of indigo plant on a defined parcel of land, shall have been induced by a person not a party to such contract, to evade in any manner whatsoever the performance of its conditions, it shall be competent to the party injured thereby to prosecute the defaulting ryot, and such person for his undue interference; on proof of which to the satisfaction of the court trying the case, the said person and the ryot shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement of the ryot, together with all costs and expenses of the suit."

This is merely an extension of the rule referred to in Regulation VI., which provides only for cases in which the contracting ryots may have sold *and delivered the produce* of the land contracted for to a third party, whereas the objection is to restrain third parties from *illegally interfering at all* during any stage of existing contracts. Or the amendment may run thus: "The rules contained in clause 3, section 5, Regulation VI. 1823, are hereby declared to extend to all cases in which it shall be established that a third party has knowingly and wilfully interfered to induce a ryot to evade in any manner whatsoever the performance of his contract for the cultivation and delivery of indigo plant."

The process by which pecuniary penalties are liable to be adjudged, cannot, as desired by Messrs. Alexander & Co., be made summary consistently with the general Regulations.

The foregoing remarks are confined to the two points specially referred for consideration to the sudder court. If I am not misinformed, the remedies suggested will (though not to the full extent of their expectations) be satisfactory to the parties who have applied to Government for redress; there is nothing in them contrary to the spirit of our Regulations; and when it is considered what vast interests are at stake, the immense population supported by the advances, the assistance those advances afford in the realization of the public revenue, and the value of the trade, it may reasonably be expected that the Government will not withhold from those engaged in it such aid as can be properly and legally granted to them, without endangering the rights of others.

It has occurred to me, on reading some of the reports lately received from the local authorities, on the subject of indigo cultivation, that the ryots ought to possess some mode of extricating themselves from the factory books, on the expiration of their contracts, when no longer desirous of cultivating their land with indigo.

It is stated that when a ryot once takes advances, a planter will not allow him to emancipate himself, and that he is reluctantly compelled to continue the cultivation.

The following remedy in substance is suggested by Mr. Walters, the magistrate of Dacca, and seems open to no objection, unless it is the trouble that it may occasion to the European local officers, already sufficiently burthened with business: "Any person who may have received advances under written agreement for the cultivation of indigo, and may be desirous, on the expiration of the period of his contract, to settle his accounts with the person or factory from whom or from which he may have received the said advances, shall be at liberty, in the event of the proprietor of the factory, or the person acting in his behalf, refusing to settle the same, to apply to the zillah judge, who, after a summary

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inquiry into the merits of the case, shall receive in deposit the amount of the balance which may appear to be due from the ryot aforesaid, and shall grant him a release from his engagement, paying over the amount of the balance to the proprietor or the person acting in his behalf." Clause 2: "Should the proprietor or person aforesaid, however, refuse to receive the balance awarded to him by the summary process above provided, the judge shall return the amount to the plaintiff, leaving the defendant to seek his remedy by a regular suit."

The only remaining point which I shall notice is the severe damage suffered by both the planter and the ryot by cattle trespassing on indigo fields; for the prevention of which I would suggest the following clause:

"Persons wilfully damaging or causing to be damaged indigo plant, by allowing cattle to trespass thereon, or by any other means, shall, on the complaint of the ryot to whom the crop may belong, or of the manufacturer by whom advances may have been made for the cultivation and delivery of the said plant, be liable, on proof of the offence, to such punishment by fine and imprisonment, as the magistrate is competent to inflict under section 19, Regulation IX. 1807, due regard being had to the nature of the case, and the circumstances in life of the offender."

Should the Governor-general in Council approve of all or any of these suggestions, a very short preamble would suffice for their introduction in the shape of a Regulation.

(signed) *H. Shakespear,*
Secretary to the Government.

(71.)—RESOLUTIONS of the Government.

(71.) Indigo Planters: Resolutions of the Bengal Government.

READ a Memorial from certain Indigo Planters in Zillah Jessore, dated the 16th of March 1829, and its Enclosures:

Read Letter from Messrs. Alexander & Co. dated the 29th April 1829:

Read Letter written to the Registrar of the Nizamut Adawlut, by order of Government, 5th May 1829:

Read Petition from Indigo Planters in Dacca Jelalpore, dated the 11th May 1829:

Read a Letter written to the Registrar of the Nizamut Adawlut, on the 29th May 1829:

Read Letter from the officiating Magistrate of Jessore, dated the 29th May 1829, and its Enclosure:

Read Letter written to the Registrar Nizamut Adawlut, on the 9th June 1829:

Read Letter from the Magistrate of the city of Benares, dated the 8th August 1829, and its Enclosures:

Read Letter written to the Registrar Sudder Dewanny and Nizamut Adawlut, on the 25th of August 1829:

Read Extract from the Territorial Department, dated the 1st of September 1829; containing a Letter from Indigo Planters in Jessore:

Read Letter written to the Registrar Sudder Dewanny and Nizamut Adawlut, on the 5th September 1829:

Read two Letters from the Magistrate of Dacca Jelalpore, dated the 5th and 11th May 1829:

Read Letter from the Magistrate of the City of Dacca, dated the 7th May 1829:

Read three Letters from the Commissioner of Circuit of the 15th or Dacca Division, dated the 7th and 16th May, and 25th November 1829, and Enclosures:

Read a Letter from Registrar Sudder Dewanny Adawlut, dated 9th October 1829, with Minutes and Draft of Regulation:

Read Notes by Mr. H. T. Prinsep, dated the 29th October 1829, and Abstract alluded to therein:

Read two Letters by the Secretary, dated the 1st January and 24th April 1830:

RESOLUTION:

IT is sufficiently manifest in the foregoing papers, and from the information obtained from other sources in the course of the inquiries lately instituted on the subject of indigo cultivation, that most, if not all of the evils complained of by the planters, are inherent in the system by which large sums of money are advanced to an indigent population, without security to the manufacturer, or adequate remuneration to the cultivator to ensure the cheerful and honest performance of his contract. Hence he endeavours to evade it when any advantage can be gained by so doing, while the manufacturer, on the other hand, knowing the futility of instituting legal proceedings against a pauper, seeks to support his claims by unauthorized and violent means.

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The most advantageous change for both parties that could be introduced in indigo transactions would doubtless be the abolition of the system of advances; but the cultivating classes are, generally speaking, so poor, and the custom is so deeply rooted in the habits of the people, that there is little probability of that change being effected. The present state of the market may, however, of itself have a beneficial tendency in checking the eager competition which prevailed in the manufacturing districts in 1823, when it was last deemed necessary to legislate upon this subject. The planters will probably bring their cultivation within narrower limits; there will no longer be the same inducement to make indiscriminate advances; and it may be hoped, that by confining their dealings to the most respectable class of ryots, and admitting them to more liberal terms of contract, the difficulties which the manufacturers have complained of will, in a great degree, be obviated.

His Lordship in Council is encouraged in these expectations by the favourable testimony almost universally borne by the local authorities to the character of the present European planters, and their treatment of the natives around them.

The report of the Sudder Dewanny and Nizamut Adawlut, and the provisions suggested by Mr. Ross for the improvement of the laws relative to transactions between the planters and persons cultivating indigo under engagements, have been deliberately considered.

There are several of Mr. Ross's suggestions which appear judicious, and may at some future period be adopted, whenever it may have become practicable to raise the character and qualifications of the native local officers, both civil and police. His Lordship in Council apprehends that it would not be safe to entrust the present class of officers with the arbitrament of disputes between European planters and the native cultivators.

Moreover, the Government is not prepared to remove, to the extent recommended by Mr. Ross, the prohibition against Europeans holding lands. They have, in fact, been conditionally relaxed of late by the Resolutions passed in the Territorial Department on the 17th February 1829; and the existing rules will, it is hoped, afford the facilities to the planters which are contemplated in the measure suggested by Mr. Ross.

But while the Governor-general in Council is adverse to the provisions above noticed of Mr. Ross's draft, and to the permission proposed to be given to the manufacturer to take possession of a contracting ryot's lands, in the event of his refusing to sow or cultivate, or deliver the produce, he is sensible of the hardship to which the manufacturer is exposed by acts so destructive to his prospects; and he deems it just that the manufacturer should be protected against them so far as may be consistent with the rights of others, and with the principles of Regulation VI. 1823, which recognises the lien and interest of the planter in the produce of the lands for the cultivation of which his money had been advanced.

The only remedy afforded by that Regulation, in case the contracting ryot refuses to cultivate, is contained in section 5, and consists in a summary process for the recovery of the advance, with interest, or in a regular suit for the enforcement of the penalty specified in the agreement.

The inadequacy, however, of these remedies is sufficiently proved by the documents under consideration; and his Lordship in Council concurs in the opinions expressed by some of the judges of the Sudder Dewanny Adawlut, that the principles of section 5, Regulation VII. 1819, might with propriety and good effect be made applicable to such cases.

Another grievance complained of is the undue interference of third parties between the planter and cultivator, in the performance of the contract entered into by the latter. This evil is only partially provided against in the third clause of section 5, Regulation VI. 1823, when the contracting ryot shall have sold and delivered the produce of the land contracted for to a third party; and it seems equally just to prevent as much as possible such interference during any stage of existing contracts between the planter and the ryot who has received advances from him.

In addition to the defects in the present system adverted to in the foregoing remarks, it has been stated by some of the local authorities in their reports on the subject of indigo cultivation, that ryots who have once taken advances from an indigo factory are unable at the expiration of their contracts to emancipate themselves from their connexion with the factory, and are reluctantly compelled to continue the cultivation of their lands with indigo. This is a very serious grievance, and calls for the intervention of the Legislature.

It appears also desirable to adopt the rule suggested by Mr. Ross for the prevention of trespass on indigo fields, which is represented to be the source of much injury and ill-will between the planters and the people.

With these sentiments and views, the Governor-general in Council is pleased to pass the following Regulation, which is directed to be printed and published in the manner prescribed by Regulation XLI. 1793, to stand as Regulation V. of 1830.

V.

A. D. 1830.—REGULATION V.

Regulation V. 1830.

A REGULATION for amending the provisions of Regulation VI. 1823, and for providing more effectually for the enforcing the execution of Contracts relating to the cultivation and delivery of Indigo Plant; passed by the Governor-general in Council on the 9th June 1830, corresponding with the 28th Jeyte 1237, Bengal era; the 3d Assar 1237, Fusly; the 29th Jeyte 1237, Willaity; the 3d Assar 1887, Jumbut; and the 17th Zehijja 1245, Hegeree.

Preamble.

WHEREAS the rules contained in Regulation VI. 1823, (extended to the provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces by Regulation V. 1824,) for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant, have been found in a great measure ineffectual: And whereas it is deemed just and proper to extend the penalties prescribed by section 5, Regulation VII. 1819, to contracts for the cultivation of indigo plant, and to provide for the punishment of persons convicted of damaging indigo crops: And whereas it is desirable in certain cases to afford to persons who may be unwilling to renew their contracts for the cultivation of indigo, the means of obtaining by summary process a release from their engagements; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Persons instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the penalty specified in such engagements.

II. In addition to the rule prescribed in clause 3, section 5, Regulation VI. 1823, it is hereby declared, that in cases in which a ryot who shall have voluntarily executed a deed of engagement, stipulating to cultivate indigo plant on a specified portion of land, and to deliver the produce of such to one individual, shall have been instigated and induced by another person to evade the performance of its conditions, it shall be competent to the party injured thereby to prosecute such person for his undue interference, as well as the defaulting ryot; on proof of which to the satisfaction of the court trying the case, the said person and the ryot shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement of the ryot, together with all costs and expenses of the suit.

Persons contracting for the cultivation of indigo plant who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a misdemeanor, and be liable to punishment.

III. It is hereby further provided, that all persons who may have received advances, and have entered into written agreements for the cultivation of indigo plant, in the manner indicated in Regulation VI. 1823, and who without good and sufficient cause shall wilfully neglect or refuse to sow or cultivate the ground specified in such agreement, shall be deemed guilty of a misdemeanor, and on conviction before a magistrate or joint magistrate shall be liable to a sentence of imprisonment not exceeding one month. The magistrate or joint magistrate may likewise require the person so convicted to sow or cultivate the ground specified, if it shall appear just and proper to require the same; and any subsequent conviction of wilful neglect or refusal to comply with such requisition shall be punishable with a further sentence of imprisonment not exceeding two months.

Persons damaging indigo plant, how to be proceeded against and punished.

IV. Persons wilfully damaging or causing to be damaged indigo plant, by allowing cattle to trespass therein, or by any other means, shall, on the complaint of the ryot to whom the crop may belong, or by the manufacturer by whom advances may have been made for the cultivation and delivery of the said plant, be liable, on proof of the offence, to such punishment by fine and imprisonment as the magistrate is competent to inflict under section 19, Regulation IX. 1807; due regard being had to the nature of the case, and the circumstances in life of the offender.

Persons wishing to be released from their engagements, to petition the judge in certain cases.

V. First.—Any person who, having received advances under a written agreement for the cultivation of indigo, shall be desirous on the expiration of the period of his contract to settle his account, shall be at liberty, in the event of the proprietor of the factory or the person acting in his behalf refusing to settle the same, to present a petition to the zillah court; and the judge, after a summary inquiry in the presence of the parties or their authorized agents into the merits of the case, shall, on proof of the expiration of the contract, if there be no balance due from the petitioner, or if the petitioner shall deposit in court the amount of any balance that may be adjudged to be due from him, grant the said petitioner a release from his engagement, and shall pay over the amount of any balance that may be deposited by him to the proprietor, or to the person acting in his behalf.

The judge to hold a summary inquiry.

If no balance be due from the petitioner, or the balance be deposited in court, the judge to grant a release, and pay the balance to the proprietor of the factory.

The judge how to proceed if the proprietor object to receive the balance.

Second.—If the proprietor or person aforesaid shall refuse to receive the balance awarded to him by the summary process above provided, the judge shall return the amount to the petitioner, leaving the defendant to seek his remedy by a regular suit.

ORDERED, That a copy of the foregoing Resolution be sent for information to the Cour of Sudder Dewanny Adawlut, in reply to their Registrar's letter of the 9th October last.

(73.) Indigo Planters: Supplementary Statement.

SUPPLEMENTARY STATEMENT of EUROPEAN INDIGO PLANTERS in the several Districts of the Lower and Western Provinces; the Number of Factories, and the extent of the Cultivation; the Number of Civil and Criminal Cases decided for and against them and their Servants during the last Five Years; with Abstracts of the Opinions recorded by the Magistrates and Commissioners of Circuit, regarding the necessity of further Legislative Provisions for the effectual subjection of the Indigo Planters and their Servants to the control of the Law.

DIVISIONS.	DISTRICTS.	Number of European Indigo Planters, Proprietors.	Number of Factories.	Number of European Assistants.	Quantity of Cultivation.	NUMBER OF CIVIL CAUSES.			NUMBER OF CRIMINAL CAUSES.		
						Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.	Decided in favour of Planters or their Servants.	Decided against them.	Otherwise disposed of, or depending.
2	Allighur - -	-	-	-	*Begahs.* -	-	-	-	-	-	-
	REMARK:—The report from this district has not yet been received.										
						For and Against.			For and Against.		
13	Rungpore - -	2	24	7	21,405	41	- -	- -	52	-	-
	Rajeshahye -	5	10	11	68,700	1	1	2	7	10	35
	REMARKS:—The magistrate of this district (Rungpore) furnished his opinion before on the character and conduct of the indigo planters in his district, and a copy of it was transmitted to the Honourable Court. The magistrate of Rajeshahye had not obtained the necessary information at the time when the former statements were transmitted. The acting magistrate has now furnished the statement required, but it is in many respects defective; and his letter does not contain the information required by the orders issued on the 29th December 1829, as to the character of the planters, owing probably to the short experience which Mr. Halliday has had in the district.										
14	Moorshedabad - - -	-	5	1	29,500	-	-	-	-	-	-
	REMARKS:—This is an additional statement furnished by the acting magistrate, in continuation of the magistrate's letter dated the 27th of March.										
15	Mymensing -	1	35	19	64,945	141	-	-	266	-	-
	REMARKS:—The return from Mymensing had not been received at the period of the last report to the Honourable Court. The magistrate is of opinion that further legislative provisions are necessary to render indigo planters and their servants more effectually subject to the judicial local authorities. Mr. Cheap has assigned his reasons for this opinion at considerable length. This report, however, on the character of the indigo planters is generally favourable.										

Judicial Department,
14 December 1830.

(signed) *H. Shakespear*,
Secretary to Government.

V.

(74.)—LETTER from the Court of Directors to the Governor-general in Council at *Bengal* (Judicial Department); dated 10 April 1832.

(74.)IndigoPlanters. Para. 5 to 12, letter, dated 8 Sept. 1829; whole letter, dated 1 June 1830; para. 8 to 12, letter dated 9 Nov. 1830.—Indigo Planters.

1. We proceed to reply to the paragraphs of your letters noticed in the margin which relate to indigo planters.

2. The two first of these letters are in answer to our orders of the 6th August 1828, requiring you to furnish us with some information respecting the indigo planters, and the last refers to memorials presented to you on their behalf, and the consequent enactment of Regulation V. of 1830.

3. You say it will afford us satisfaction to learn from the reports of the magistrates and commissioners that the local officers generally entertain a very favourable opinion of the character of the European planters, and that they are represented as kind in their treatment of the natives. Such undoubtedly is the opinion expressed of them by most of the magistrates and commissioners in the papers you have transmitted to us. Yet, although we are not disinclined to give credit to those favourable reports of the planters, it is obvious that such accounts must be received with some allowance for the delicacy of the inquiry, and for the disposition which men naturally feel to speak favourably of those with whom they are in habits of familiarity and of social intercourse. "The habits of private intercourse," says the commissioner for the fifth division, "existing between the planter and the public officers is a point of considerable moment, but it is a delicate matter to interfere with. I have known the appearance of intimacy deter the natives from bringing forward their complaints, and I incline to agree with them (meaning no doubt the natives with whom he had conversed) that the idea of throwing aside our habitual private feelings in public business is, with most of us, more specious than real." This consideration suggests the propriety of separating, as far as may be possible, the opinions of the officers from the facts to which they refer.

4. We do not, however, mean to question that among the indigo planters there are many peaceable, good, and highly respectable persons, who obey the laws, are just in their dealings, and kind to the natives; nor can we doubt that the disappointments and the losses to which they are subject from the frauds and the violence of neighbouring planters, and others who have an interest opposed to theirs, are considerable, while many contracts entered into fairly on their part may have been broken most dishonestly by ryots.

5. One of the magistrates speaks of indigo planters who had been 20 years in a district without a complaint against them; while, on the other hand, we hear of planters who cannot hold a factory a few months without numerous complaints being made against them or their servants. There is too much reason to believe that the ryots are to a great extent oppressed and defrauded, if not by indigo planters themselves, by agents employed by them, acting in their names and for their advantage, while breaches of the peace, attended with violence, (often with wounding, and sometimes even with murder,) are committed, the chief actors in which are hired armed men, engaged by the planters for the express purpose of enforcing their claims in defiance of the law. These facts are affirmed even by those who have borne strong testimony to the personal good character of the planter.

6. It was represented to your Government by many of the planters, and by the house of Messrs. Alexander & Co., that under the existing Regulations relative to the cultivation of indigo, and the contracts between planter and ryot, a sufficient protection was not afforded to individuals engaged in the business, and they prayed for some legislative interference in their behalf.

7. The memorialists complained that the judicial authorities had put a different construction on the Regulation from that which had been generally acted upon both by ryots and planters; that those parties had understood that the Regulation gave the planter a lien on the land for which he had contracted, and imposed on the ryot the obligation of cultivating that land according to the terms of the agreement, but that the Sudder Court had decided that the Regulation conferred no such lien until the land had been sown; and left the planter, in case of *non*-cultivation, to his choice of a *summary suit*, to recover the *advance with interest*, or of a regular action for the penalties stipulated in the contract.

8. The objectionable part of the Regulation as construed by the Sudder Court, was, according to the planters, that it afforded them no means of enforcing specific performance of the contract entered into by the ryot; that (except through the medium of a regular suit, which was almost out of the question) the Regulation professed to afford no assistance to the planter except in recovering his *advance* with interest, without any compensation for expense of establishment, or for loss on contracts which he might have made to deliver the dye; and that the poverty of the ryot, and the expense and delay attendant even on a summary suit, rendered the recovery even of the advance impossible. We fear that there is too much truth in these allegations.

9. The remedies which the planters proposed for the evil complained of were, that the ryot should be compelled to execute his engagement, not by the civil court, but by the aid of the police; that he should be punished criminally for his default; and that if he failed to sow the ground which he had contracted to cultivate for the produce of indigo, the party with whom he had engaged should be permitted to take possession and cultivate it himself. It will be seen that the former part of this application has been complied with, but not the latter.

10. It

10. It seems to be the general practice of the planters to advance money to ryots to cultivate indigo on lands, the boundaries of which are specified in the engagements. The ryot engages to deliver the plant at the factories at a fixed rate; and the planter considers that he has a right to such lands for the term specified in the engagement. The mode in which these contracts are made is thus described by Mr. G. Smith, assistant magistrate of Jessore, who appears to have had experience in some of the districts where indigo is chiefly cultivated. "They are generally entered into by the gomastah of the factory without any interference on the part of the proprietor, who, provided he has cabooliats for the produce of a certain quantity of land, does not stop to inquire how they were obtained. They are generally, if not always, witnessed by the inferior servants of the factory, who are in most cases dependants of the gomastah, and who, so long as they are allowed to participate in a small degree in the harvest which the gomastah makes by appropriating a share of the advances to himself, are not particular as to whether the agreements they witness are *bonâ fide* the voluntary contracts of the ryot, or extorted by or forged by the gomastah.

"The ryot, on the contrary, availing himself of the suspicion which is generally attached to documents of this nature, and thus attested, frequently takes advances from two or more manufacturers, and gives agreements to both for the produce of the same piece of ground. The omlah of the factory last contracting, of course take care that their agreement shall be antedated, in order that the preference may be given to them when the different parties come to issue about the cutting of the plant.

"The effect of this mutual want of faith is, that it constantly causes serious affrays, filling the court with causes and the jail with prisoners.

"It appeared from the jail darogah's report, that on the 15th May there were 142 persons in jail in indigo cases; but at the season for cutting the plant the number is considerably greater."

11. A copy of a contract in Tirhoot has been given by the magistrate of that district. In other places the engagements may be differently framed.

12. The corrupt and fraudulent proceedings of the gomastahs and other principal native agents at the factories are acknowledged by the planters themselves, who describe them as extorting from the ryots, and cheating them as well as the planters.

13. Mr. Turnbull, one of the judges of the Sudder Dewanny Adawlut, says, "The contract formed with the ryot is sometimes not in writing, is frequently insufficiently defined, and is generally extremely unfavourable to the ryot, rendering him, in fact, a slave to the establishment with which he has once engaged, and thereby preventing an open and fair competition to all, which would afford the only true and effectual remedy. Too much also, it is said, is entrusted to dewans, naibs, gomastahs, and numerous others employed by the planter, who, I fear, looks but little beyond the quantity of the land procured for him, and does not pay sufficient attention to the means by which it has been obtained. In such a state of things (says Mr. Turnbull), it cannot be much matter of surprise that the ryot, who is acknowledged to be in poverty, and has perhaps been labouring in vain for years to work off his old balances, as it is called, should readily yield to the temptation of an offer of money from a rival factory to pay off his old score, and thereby liberate himself from thraldom, as well as engage on more favourable terms." The contracts are said to be generally for two and three to eight and ten rupees advanced on each, and some of the factories have thousands of such engagements.

14. The greatest evil of which the ryots complain (says Mr. Walters), "is the almost utter impracticability of being able to free themselves should they once have the misfortune to receive indigo advances, either by their own free will or compulsion."

15. The Commissioner of revenue and circuit, in his report, after an inquiry into the disturbances connected with indigo concerns in a neighbouring district, says, "I examined the accounts of the ryots, and though some of the items placed at their debit appeared to me not strictly just, yet on inquiry I found the same custom prevailed throughout the district."

16. It is further said by Mr. Walters, that if a ryot should possess the means of paying off his balances, and desire to emancipate himself from indigo cultivation, there is at present no legal process by which he can compel the planter to settle his account and give him his discharge. "The planter will not receive the money, and the ryot generally finds himself reluctantly compelled to continue the cultivation.

"Other grievances" (says Mr. Walters) "complained of by the ryots are their being forced by threats and ill-usage to enter into indigo engagements; their having other or more lands than those contracted for taken from them by the indigo servants, and being thus unable to raise other crops intended for the support of their families; their having entered into engagements, perhaps voluntarily, with one factory, and being obliged to execute engagements with another for the same lands, or although they have no concern with any factory, still having their lands forcibly sown without any pretence or colour of right. These are evils all of too common occurrence, and which it is not in the power of any magistrate to prevent. They are to be attributed more to the factory servants than to the planters themselves, though the latter do not perhaps trouble themselves much to ascertain how things are carried on, so long as a certain quantity of land is sown, and a certain produce is to be expected."

"As magistrate of Nuddeah," (says Mr. Turnbull) "I had some opportunity of witnessing the scenes of contention and strife ensuing from the various and conflicting interests to which that competition gave rise. The disorders which then prevailed in that and the neighbouring indigo districts have, I believe, nothing abated to the present day, and they are certainly such as to call for the serious interposition of Government. From the moment of ploughing the

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Settlement of Europeans in India.

land and sowing the seed to the season of reaping the crop, the whole district is thrown into a state of ferment. Tho most daring breaches of the peace are committed in the face of our police officers, and even of the magistrate himself. In utter defiance of all law and authority, large bodies of armed men are avowedly entertained for the express purpose of taking or retaining forcible possession of lands or crops. Violent affrays, or rather regular pitched battles ensue, attended with bloodshed and homicide. Our police establishments are corrupted, and the darogahs are said notoriously to be in the pay of the planters, European or native, to secure their good offices. Private assassinations occasionally occur, and forgery and perjury have their full sway; in short, every species of crime is committed, and in the list I should not omit false charges of murder, arson, &c., which are very common, and are the most harrassing of all to the accused, as well as to the magistrate."

17. This statement is confirmed by Mr. Walters, who says, " I will not here put on record acts which have come to my knowledge of open daring violence directed to the destruction of rival factories, but will ask where is the instance in this part of the country of the native zemindar, who, unaided by European partners or influence, has erected indigo factories, and successfully carried on the speculation without being in the end either entirely ruined or obliged to admit his more powerful neighbour to a share in his concern, or being himself perhaps cast into jail for standing up in defence of his own rights?"

18. The practice of indigo planters maintaining large bodies of armed men is noticed by other judges of the Sudder Dewanny Adawlut as well as by Mr. Turnbull. Mr. Ross says they are kept to enforce the ryots' contracts, and Mr. Sealy speaks of " the number of affrays that now annually take place for indigo lands, which are invariably attended with severe wounding, and frequently with loss of life, in consequence of the planters entertaining bodies of fighting men for the express purpose of fighting their battles on those occasions."

19. Mr. Walters refers to the custom of entertaining, at European and native indigo factories, a number of persons of various descriptions; sometimes proclaimed offenders, escaped convicts, or persons discharged from jails. " These people" (he says) " find a secure asylum in indigo factories, from whence they issue under cover of the night, and are guilty of heinous offences. Decoities, thefts, and even murders have been brought home to such factory retainers." The police officers, he says, are afraid to enter an indigo factory, the planters in general not being ready to assist the police, especially when suspicion falls on their own servants. It appears from a statement accompanying Mr. Walters' report, that one of the indigo planters in his district has in his service 240 persons under the denomination of ameens and clossees.

20. The affrays on which the planters engage, and their open violation of the laws are freely admitted by the planters themselves. Addressing the Governor-general in Council, " your memorialists" (they say) " are far from wishing to conceal from your Lordship that disputes in regard to these lands, and the rights possessed over them by the planters, have frequently arisen both between neighbouring planters and between the planter and zemindar, talookdar and other natives having, or pretending to have, a right in the land, and are willing to admit that occasional instances have occurred of violence and oppression on the part of the planter, which they are far from justifying." In another place they refer to the sources, under the existing system, from which originate " too many of the scenes of violence, and even bloodshed, with which your Lordship in Council cannot be unacquainted :" and speaking of the good effects which they think would follow from the adoption of their suggestions they say, " many of the evils now so prevalent will speedily disappear, and the peace of the indigo districts be at once restored and preserved with comparative facility, where hitherto lawless violence and force have too frequently prevailed, as your memorialists would earnestly press on your Lordship's attention, because force and violence alone have been found able to protect private property from spoliation and ruin." Nor is this violence confined to the native agents of the planter; the notorious corruption of these persons having been noticed, the memorialists add, that the planter is " too often compelled to overlook, or sanction proceedings necessary to the protection of his property, but which unavoidably lead to broils and quarrels."

21. Mr. Prinsep, the secretary in the General department, to whom some of the papers connected with this subject were referred, made the following remarks: " It is where, in the eagerness to extend cultivation, the manufacturer presses money upon a half-unwilling ryot, or on one of several joint ryots, or on ryots who have no right to change their cultivation without the zemindar's permission, or on ryots not in possession; in all which, and in 500 similar cases that might be cited, the manufacturer has not the land measured out to him and specified, but relies on the ryot's word, as to the possession and as to the land's fitness for the plant, confirmed perhaps by a dishonest gomastah." Mr. Prinsep says, the courts are not strong enough to prevent people from thriving by violence, and the manufacturers trust at present to their lutheeals (bludgeon men) to supply the deficiency of their contracts. Mr. Prinsep adds, " the stronger party benefits always by the looseness of an engagement, and while this is the case, that is, while through the inefficiency of the existing law to protect the weaker the manufacturers can bear down the ryots, by hired ruffians, it may be part of their policy to cry out against the system, as compelling them to resort to such means of righting themselves, but Government will not readily be persuaded that they are the oppressed class, who require to have their hands strengthened by further legislative provisions."

22. Mr. Walters says, that false complaints are made, and witnesses are suborned, but that the planter's name does not appear, though the case is brought forward by his servants, and at his expense, he himself most probably knowing nothing of its truth or falsehood. " Many a a planter" (says Mr. Walters) " has confessed to me that he has been an accessary to acts, of which he would have felt himself ashamed in his own country; acts which he was driven to permit,

permit, or to lose the capital he had embarked." He remarks, that the European planters holding lands in the name of their servants are subject to no tangible responsibility. They may direct brigands to be entertained, they may plan and order attacks to be made, but if not personally present as principals, it is difficult to bring them to justice. "Instances have occurred" (says Mr. Walters) "in which the mere warning a European planter against being accessary to a breach of the peace, on the information of a police officer that armed men on his part were collected, has called forth a threat of prosecution in the Supreme Court; so that magistrates are really afraid to act against British subjects except on the strongest grounds."

23. We desire to be informed whether you have any reason to believe that the fear of prosecution in the Supreme Court, operates to prevent magistrates from executing their duties in respect to British subjects. At this distance we have not the means of forming a correct judgment on such a point; the importance of it, however, is obvious, and if Mr. Walters' imputation is well founded, an effectual remedy for so intolerable an evil should be sought without delay.

24. The memorialists represented to Government that in consequence of the influence exercised by the zemindars, talookdars and others, their dependants were often compelled to rise in a body, and arm themselves against the servants of an obnoxious planter, who were thus prevented from ploughing, sowing, or otherwise working the land. After describing the pernicious influence of the monibe (meaning no doubt the zemindar) over the ryots, they say, his object is to extort bribes from the planter; "where this bribe is refused," (they add), "and the interference of the monibe prevents the sowing of the lands, the planter is then reduced to the necessity of taking forcible possession with his own people, or contemplating the loss of his advances, and his time, the blighting of the hopes of profit he indulged, and perhaps the prospect of utter ruin. When he is driven to the former course (and your memorialists feel assured it will excite no surprise if he should sometimes betake himself to it) and is resisted, as frequently happens, your Lordship in Council will be at no loss to discover the cause of scenes of occasional violence and disturbance, which the Regulation now solicited would, in the humble opinion of your memorialists, so effectually prevent."

25. The planters complain of the native zemindars, talookdars and others, as ever ready to prompt their ryots to a breach of contract, and they declare to the Government that they consider legislative interference necessary for the protection of their interests against the machinations of those persons, and even for the prevention of their utter ruin. In the representation of Messrs. Alexander & Co. it is stated that a native, interfering with an indigo planter in Dacca Jelalpore, had persuaded the ryots not to sow their lands, that the factories were shut up, and that the expense and trouble of instituting a suit against every individual contractor, with the certainty that nothing could be recovered from a population so wretchedly poor as the ryots of Bengal, made it a hopeless case for the indigo planter to seek redress by suits against them in the court. This unfair competition is represented as the cause of those disputes from which affrays, breach of the peace, and often murder arise; and it is proposed that the party interfering with contracts, instead of the miserable ryots, should be punished by summary process.

26. In one of the memorials from Jessore it is proposed that the police officers should be required to give immediate assistance in arresting a servant or labourer refusing to work under his contract; that it shall be declared criminal in zemindars, talookdars or others to shield or protect him, and that for so doing they shall be punishable by fine and imprisonment. It is further proposed, that lands which can be proved to have belonged to a factory for a number of years, the planters shall not be dispossessed of "by virtue of any species of tenure whatever;" this the memorialists call "an equalization of rights." They object to the consent of the zemindar being required for a lease from the ryot to the planter, and they propose that the planter should satisfy himself of the ryot's right to grant such lease, other parties having, or pretending to have, an interest, being left to make good their claims by ordinary process in the zillah courts. Thus, say the memorialists, the zemindars would have "all the protection to which in fairness and justice they are entitled."

27. These propositions seem very extraordinary from persons who admit that farms are extensively held by the European planters, in the name, and through the agency of natives, generally their principal factory servants or gomastahs, a set of men whose fraud and oppression they acknowledge to be notorious, although they often overlook or sanction their proceedings; who declare they conscientiously believe that almost all the grievances of which they complain, and almost all the disorders which have so long prevailed in the indigo districts, have arisen out of the defective state of the law and the notorious corruption of its subordinate agents; who avow that the planters bribe the omlah of the courts, as the only means of securing a fair representation of their cases, and that force and violence alone can protect their private property from spoliation and ruin.

28. Mr. Walters says, that the European planter, if zemindars refuse to accede to his offer, frequently obtains a pottah or ijareh for their lands from some claimant or sharer, real or fictitious, not in possession, or perhaps from some unauthorised gomastah, and on that plea, if he cannot succeed in turning them out, at least deprives them of their rent. The planter on such occasions takes on himself all the expense of the litigation to which his ally may be exposed, and the zemindar finds himself involved in a law-suit, or is perhaps driven to commit a breach of the peace, or to look for a protector in some more powerful indigo planter; at all events the peace of the district is most generally broken, and serious consequences not unfrequently occur. "This," says Mr. Walters, "is a common practice."

29. The extent to which these disturbances go may be well understood from the Report of the Commissioner who inquired into the troubles in Dacca Jelalpore in 1829, occasioned by disputes between a European indigo planter and a native zemindar. The European collected 500 men to sow his indigo seed, and the villagers had 1,000 to oppose him. Whenever the police officers appeared the people assembled in bodies of 2,000 or 3,000; they were summoned together by regular signal guns. On one occasion the police officers, who were attacked by a body of 2,000 men, were beaten and taken prisoners, and the magistrate thought it necessary to apply for a military force to assist him.

30. Mr. Ross very justly remarked, that to refer a ryot who had to support himself and family by his labour to a tribunal at a distance from the place of his abode for redress when an act of injustice had been done him, was in effect to deny him redress. The zillah courts, from their distance, and their being so few in number, were inaccessible to the ryots, and from their accumulation of business, of little avail to the manufacturer. The want of provision for administering the law was, in Mr. Ross's opinion, sufficient in itself to account for the disorder prevailing in the indigo districts; and although Mr. Ross proposed some alterations in the law, he insisted on the necessity of having adequate local courts of judicature, without which no amendment of the law would be of any advantage. In Mr. Turnbull's Minute we find the following passage: "Let us consider the vast interests that are involved in the matter under discussion, not merely in the lacs of rupees that are annually at stake, but as variously affecting the greater part of a large and populous district, and consider at the same moment the means we at present possess of affording prompt and effectual redress in the countless disputes which cannot but arise from such a state of things. A single factory may have formed upwards of 1,000 contracts. The parties may be distant from the only courts now open to them from 50 to 100 miles. Those courts are already overwhelmed. The matters in dispute press for decision, and cannot wait the ordinary course, for delay would render the decision nugatory, and worse, as the parties would have been needlessly subjected to annoyance and expense. What then is the remedy? I confess I am at a loss to propose any other than the appointment of a respectable sudder ameen in each tannah division, with a salary or authorized emoluments such as would incite him to a faithful and honest discharge of the important trusts which must necessarily be confided to him." The appointment of local sudder ameens was also recommended by Mr. Prinsep.

31. These suggestions, however, you did not think proper to adopt, for you were of opinion that native local officers were not yet fit to be trusted with the arbitrament of disputes between European planters and the native cultivators; neither did you approve of the plan of establishing a registry for contracts between the ryots and planters, which had been strongly recommended by some of the public officers, and objected to by others.

32. In Regulation VI. of 1823, it was stated that the delay and difficulty of obtaining redress by a regular action in the civil courts, in regard to the enforcement of engagements made by indigo planters with ryots, had not unfrequently led to acts of violence, and even to serious affrays, and the main object of that Regulation was to authorize the institution of summary suits to enforce such engagements. Now it is said that the rules adopted have been found, in a great measure, ineffectual; and Regulation V. of 1830 has been enacted "for amending the provisions of the former Regulation, and for providing more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant."

33. It is first provided, that he who instigates or induces a ryot to evade the performance of his contract with the planter, shall be held, jointly with the ryot, answerable for the full amount of the penalty specified in the original agreement of the ryot, together with all costs and expenses of the suit. But no provision is made for inflicting penalties, costs and expenses on him who instigates or induces the planter to evade the performance of his contract with the ryot, notwithstanding it may so happen (in the case, for instance, of a disputed right of occupancy) that the ryot is properly and legally advised, that the party interfering has a perfect right to interfere, and that on the planter's side there is nothing but injustice. Although it may be true that the planter is much less likely than the ryot to attempt to evade the contract, it would still have been right to apply the clause to both.

34. By the next provision of the Regulation, a ryot who has entered into a contract under certain specific penalties to sow and cultivate for an indigo planter, is made liable for a breach of his part of the engagement, not only to the payment of the prescribed penalty, but also to punishment as a criminal. He may, in the first instance, be imprisoned by the magistrate for a month. The magistrate or joint magistrate may also require him to sow or cultivate, and any subsequent convictions of wilful neglect or refusal to comply with such requisition are punishable by a further imprisonment not exceeding two months. This is the case of a contract for the mutual benefit of two parties, voluntarily entered into with a specific penalty to which both have agreed. We are not aware of any principle on which in such a case the law, instead of recognising the terms of the agreement and the equality of the parties, should make a distinction between them. If for non-performance of an engagement one party should be punishable by imprisonment for one, two or three months, or perhaps (under repeated convictions) for a longer time, it is not very obvious why the other party, however fraudulently or unjustly he may have acted, should go free; nor do we perceive why such a rule, if in itself just, should be confined to indigo or any particular species of cultivation. We feel also a strong objection to this clause, because it attaches punishment on those who appear by the statements scarcely to be free agents. The ryot, from poverty, abjectness of spirit, intimidation, or bribery, is the victim of others far more guilty than himself. It may not be easy to visit those persons with a corresponding infliction, but it is hard that he alone should be singled out for punishment.

35. By another provision, persons wilfully damaging, or causing to be damaged, indigo plant, " by allowing cattle to trespass thereon, or by any other means," are punishable to the extent of a fine of 200 rupees, or one year's imprisonment. We cannot help fearing that the infliction of penalties of such severity, when considered with reference to the means of the parties on whom alone they are likely to be imposed, may be productive of much oppression and injustice.

36. It appears by the preamble of the Regulation, that ryots who may be unwilling to renew their contracts with indigo planters require the assistance of the courts to obtain a release from their engagements. What the consequence would be to a ryot, the period of whose contract was expired, if he refuses to renew his engagements, is not stated; but some protection, it seems, was thought necessary. For this purpose he may apply to the judge, who will settle the account by a summary process. But after all, if the planter does not agree to the judge's decision, no release can be given to the ryot, and the parties are referred to the civil court, that place of delay and difficulty, where attempts to obtain redress are so ineffectual. For the possible case of a balance being due from the indigo planter to the ryot on a settlement of accounts no provision is made.

37. It seems to us that the effect of this Regulation is to give advantages to the indigo planters, in their dealings with the ryots, by dispensing in their favour with the ordinary course of the law, to which all other persons in the state are subject. We are not insensible to the difficulties of this subject. The planter who has already sunk a large capital in his works, and who is obliged to maintain an establishment of servants at a considerable expense, must be ruined if those with whom he contracts fail in the performance of their engagements; while the ryots having, as is customary, received advances of money from the planter, have nothing to lose but that on which, we fear, in such transactions, they set no great value—character; but on the contrary, enjoy a present advantage by selling the plant to some other person than him for whom it was originally intended. We cannot, however, sanction any legislative measure which appears, like Regulation V. of 1830, not to extend equal protection to all. It seems to us that the subject ought to have been more thoroughly sifted before you enacted this Regulation. An inquiry should have been made by one or more commissioners, specially appointed for the purpose of investigating and reporting upon the matter, examining all parties interested, and all who were cognizant of facts, or likely to offer useful suggestions, and carefully distinguishing facts from inferences, and accurately tracing the authority of every statement.

38. It is further obvious that the same rules cannot, as a matter of course, be assumed as applicable alike to persons standing in positions so different from each other as those of Behar and Bengal, and again, as any of these from the inhabitants of the Western Provinces.

39. The detail into which we have entered, though embracing many important particulars, and especially the opinions of many gentlemen, to whose sentiments much weight must be attached, leaves, it is obvious, many points unexplained, which it is very desirable to have fully developed, with a view to a clear comprehension of the actual and relative condition of the parties interested.

40. We should wish you therefore to consider the means by which the circumstances of this important branch of trade, in so far as they are likely to bear upon judicial or territorial arrangements, may be thoroughly investigated and reported upon, the different parts of the country in which different plans of management are understood to be followed, being distinctly considered; all classes of persons interested having a full opportunity of stating what they may desire to urge, and the matters reported being given with a specific reference to the documentary, or oral evidence on which they rest.

41. Without, however, deciding how far the views and statements given in the papers now under consideration are to be admitted or disputed, we can have no hesitation in concluding that they do not afford sufficient grounds for enforcing the engagements of the indigo ryot, by a special penal Regulation. So far from it indeed, the facts before us suggest strong doubts of the policy and justice of the measure.

42. We therefore direct that you rescind the second and third clauses of Regulation V. of 1830, and that you will revise the other clauses with reference to the remarks which we have made on them in a preceding part of this letter.

43. We cannot conclude without impressing on you the expediency of applying some remedy to the evils disclosed in the reports to which we have referred.

44. In this despatch we have dwelt mainly on the dark side of the case, because it is from such an exhibition that the necessity of some immediate interposition on the part of Government becomes apparent. We feel that the prevalence of such flagrant misdoings in any part of the country is a reproach to our administration. We doubt not that you have seriously considered the means by which they can be finally suppressed.

45. On our part, our best attention is given to the various suggestions of the gentlemen whose opinions you have transmitted to us. One great desideratum, unquestionably, is a facility of access to courts of justice. When we advert to the power now exercised by the sudder ameens, and the general high character of that class of persons, we cannot but feel surprise that you should have hesitated to entrust them with the authority which was suggested.

46. It is much to be lamented that it is so common for Europeans to hold land in other names than their own. The planters allege that this practice is in some measure owing to the forms and restrictions enjoined by your Resolution of May 1824 on Europeans desirous to take leases of land. If this should appear to you to be the case, we authorize you to relax, though with proper caution, such of the securities prescribed in that Resolution as in your opinion may be safely dispensed with.

47. We desire you will take into consideration the expediency of establishing a complete registry of all lands held by Europeans in each district, either in their own names, or in the names of others, and of taking the necessary steps to prevent, as far as may be practicable, their occupying any unregistered lands.

48. We have only to add, that all Europeans who are permitted to remain in the interior must be taught, practically, that obedience to the laws is an indispensable condition of their licence to reside there.

We are, your affectionate friends,

(signed) *R. Campbell*, *H. Alexander*, *J. Forbes*, *J. G. Ravenshaw*, *J. Loch*, *J. Stuart*, *W. Wigram*, *H. S. Clarke*, *N. B. Edmonstone*, *H. Lindsay*, *G. Lyall*, *J. R. Carnac*, *J. Morris*, *Hy Shank*, *Hy St. G. Tucker*, *W. Young*,

London, 10th April 1832.

(75.)—A STATEMENT, showing the Number of INDIGO FACTORIES in the several Districts under the *Bengal* Presidency; also, the Number of European Indigo Planters, Proprietors of Estates, and the Number of European Assistants resident in the several Districts under the *Bengal* Government.

DISTRICTS.	Number of Factories.	Number of European Proprietors.	Number of European Assistants.
First Division:			
Sebarunpore	—	—	—
Mozuffernuggur	—	—	—
Meerut	2	-	1
Bohundshehoor	3	-	2
Second Division:			
Agra	-	3	—
Allighur	—	—	—
Third Division:			
Furruckabad	10	-	5
Mynpooree	5	3	—
Etawah	—	—	—
Fourth Division:			
Moradabad	3	-	1
Nugeena	—	—	—
Fifth Division:			
Bareilly	6	-	4
Shajehanpore	—	—	—
Phillibheet	—	—	—
Sixth Division:			
N. Bundlecund	—	—	—
Cawnpore	12	-	6
Belah	—	—	—
Seventh Division:			
S. Bundlcund	3	—	—
Futtehpore	4	2	3
Allahabad	29	-	5
Eighth Division:			
Benares	15	-	9
Mirzapore	25	5	9
Juanpore	50	6	11
Ninth Division:			
Goruckpore	9	-	3
Azimghur	22	2	5
Ghazeepore	35	8	6
Tenth Division:			
Sarun	19	13	12
Shahabad	13	1	8
Tirhoot	48	5	43
Eleventh Division:			
Patna	1	-	1
Behar	6	-	4
Ramghur	—	—	—
Twelfth Division:			
Bhaugulpore	32	-	11
Monghyr	17	5	7
Maldah	24	3	7
Purneah	65	8	12
Thirteenth Division:			
Dinagepore	-	-	2
Rungpore	—	—	—
Rajishahye	—	—	—
Pubnah	99	19	38
Bugorah	18	4	7
Fourteenth Division:			
Moorshedabad	35	-	16
Beerbhoom	7	1	—
Nuddeah	56	19	18
Fifteenth Division:			
Mymensing	—	—	—
Sherepore	3	-	2
Tipperah	7	7	—
Dacca Jelalpore	74	-	38
Dacca	10	-	11
Sixteenth Division:			
Arrakan	—	—	—
Chittagong	—	—	—
Noacolly	—	—	—
Seventeenth Division:			
Assam	—	—	—
N. E. Rungpore	—	—	—
Sylhet	—	—	—
Eighteenth Division:			
Suburbs of Calcutta	—	—	—
Twenty-four Pergunnahs	5	-	2
Bavaset	2	-	2
Backergunge	4	-	2
Jessore	63	2	30
Nineteenth Division:			
Midnapore	24	2	1
Balasore	1	1	—
Cuttack	—	—	—
Twentieth Division:			
Burdwan	8	-	6
Jungle Mehals	22	-	4
Hooghly	—	—	—
TOTAL FACTORIES	899	119	354
TOTAL EUROPEANS			473

There are no Returns of Indigo Factories under the Presidencies of Fort St. George and Bombay.

East India House, 6 August 1832.

J. Mill, Examiner of India Correspondence.

76.—REMARKS by *Rammohun Roy*, on SETTLEMENT in *India* by EUROPEANS; dated 14 July 1832.

(76.) Remarks by Rammohun Roy; 14 July 1832.

MUCH has been said and written by persons in the employ of the Honourable East India Company and others on the subject of the settlement of Europeans in India, and many various opinions have been expressed as to the advantages and disadvantages which might attend such a political measure. I shall here briefly and candidly state the principal effects which, in my humble opinion, may be expected to result from this measure.

2. I notice, first, some of the advantages that might be derived from such a change.

Advantages.

First.—European settlers in India will introduce the knowledge they possess of superior modes of cultivating the soil and improving its products (in the article of sugar, for example), as has already happened with respect to indigo, and improvements in the mechanical arts, and in the agricultural and commercial systems generally, by which the natives would of course benefit

Secondly.—By a free and extensive communication with the various classes of the native inhabitants the European settlers would gradually deliver their minds from the superstitions and prejudices, which have subjected the great body of the Indian people to social and domestic inconvenience, and disqualified them from useful exertions.

Thirdly.—The European settlers being more on a par with the rulers of the country, and aware of the rights belonging to the subjects of a liberal Government, and the proper mode of administering justice, would obtain from the local Governments, or from the Legislature in England, the introduction of many necessary improvements in the laws and judicial system; the benefit of which would of course extend to the inhabitants generally, whose condition would thus be raised.

Fourthly.—The presence, countenance and support of the European settlers would not only afford to the natives protection against the impositions and oppression of their landlords and other superiors, but also against any abuse of power on the part of those in authority.

Fifthly.—The European settlers, from motives of benevolence, public spirit and fellow-feeling towards their native neighbours, would establish schools and other seminaries of education for the cultivation of the English language throughout the country, and for the diffusion of a knowledge of European arts and sciences; whereas at present the bulk of the natives (those residing at the Presidencies and some large towns excepted) have no more opportunities of acquiring this means of national improvement than if the country had never had any intercourse or connexion whatever with Europe.

Sixthly.—As the intercourse between the settlers and their friends and connexions in Europe would greatly multiply the channels of communication with this country, the public and the Government here would become much more correctly informed, and consequently much better qualified to legislate on Indian matters than at present, when, for any authentic information, the country is at the mercy of the representations of comparatively a few individuals, and those chiefly the parties who have the management of public affairs in their hands, and who can hardly fail therefore to regard the result of their own labours with a favourable eye.

Seventhly.—In the event of an invasion from any quarter, east or west, the Government would be better able to resist it, if, in addition to the native population, it were supported by a large body of European inhabitants, closely connected by national sympathies with the ruling power, and dependent on its stability for the continued enjoyment of their civil and political rights.

Eightly.—The same cause would operate to continue the connexion between Great Britain and India on a solid and permanent footing; provided only the latter country be governed in a liberal manner, by means of Parliamentary superintendence, and such other legislative checks in this country as may be devised and established. India may thus, for an unlimited period, enjoy union with England, and the advantage of her enlightened Government; and in return contribute to support the greatness of this country.

Ninthly.—If, however, events should occur to effect a separation between the two countries, then still the existence of a large body of respectable settlers (consisting of Europeans and their descendants, professing Christianity, and speaking the English language in common with the bulk of the people, as well as possessed of superior knowledge, scientific, mechanical, and political) would bring that vast empire in the East to a level with other large Christian countries in Europe, and by means of its immense riches and extensive population, and by the help which may be reasonably expected from Europe, they (the settlers and their descendants) may succeed sooner or later in enlightening and civilizing the surrounding nations of Asia.

3. I now proceed to state some of the principal disadvantages which may be apprehended, with the remedies which I think calculated to prevent them, or at any rate their frequent occurrence.

Disadvantages.

First.—The European settlers being a distinct race, belonging to the class of the rulers of the country, may be apt to assume an ascendancy over the aboriginal inhabitants, and aim at enjoying exclusive rights and privileges, to the depression of the larger, but less favoured class; and the former being also of another religion, may be disposed to wound the feelings of the natives, and subject them to humiliations on account of their being of a different creed, colour and habits.

As a remedy or preventive of such a result, I would suggest, 1st. That as the higher and better educated classes of Europeans are known from experience to be less disposed to annoy and insult the natives than persons of a lower class, the European settlers, for the first twenty years at least, should be from among educated persons of character and capital, since such persons are very seldom, if ever, found guilty of intruding upon the religions

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or national prejudices of persons of uncultivated minds; 2dly. The enactment of equal laws, placing all classes on the same footing as to civil rights, and the establishment of trial by jury (the jury being composed impartially of both classes), would be felt as a strong check on any turbulent or overbearing characters amongst Europeans.

The second probable disadvantage is as follows: the Europeans possess an undue advantage over the natives, from having readier access to persons in authority, these being their own countrymen, as proved by long experience in numerous instances; therefore, a large increase of such a privileged population must subject the natives to many sacrifices from this very circumstance.

I would therefore propose as a remedy, that in addition to the native vakeels, European pleaders should be appointed in the country courts in the same manner as they are in the King's courts at the Presidencies, where the evil referred to is consequently not felt, because the counsel and attornies for both parties, whether for a native or a European, have the same access to the judge, and are in all respects on an equal footing in pleading or defending the cause of their clients.

The third disadvantage in contemplation is, that at present the natives of the interior of India have little or no opportunity of seeing any Europeans except persons of rank holding public offices in the country, and officers and troops stationed in or passing through it under the restraint of military discipline, and consequently those natives entertain a notion of European superiority, and feel less reluctance in submission; but should Europeans of all ranks and classes be allowed to settle in the country, the natives who come in contact with them will materially alter the estimate now formed of the European character, and frequent collisions of interests and conflicting prejudices may gradually lead to a struggle between the foreign and native race till either one or the other obtain a complete ascendancy, and render the situation of their opponents so uncomfortable that no government could mediate between them with effect, or ensure the public peace and tranquillity of the country. Though this may not happen in the interior of Bengal, yet it must be kept in mind, that no inference drawn from the conduct of the Bengalese (whose submissive disposition and want of energy are notorious) can be applied with justice to the natives of the Upper Provinces, whose temper of mind is directly the reverse. Among this spirited race the jarrings above alluded to must be expected, if they be subjected to insult and intrusion—a state of things which would ultimately weaken, if not entirely undermine, the British power in India, or at least occasion much bloodshed from time to time to keep the natives in subordination.

The remedy already pointed out (para. 3d, art. 1st. remedy 1st.) will, however, also apply to this case, that is, the restriction of the European settlers to the respectable and intelligent class already described, who in general may be expected not only to raise the European character still higher, but also to emancipate their native neighbours from the long standing bondage of ignorance and superstition, and thereby secure their affection, and attach them to the government under which they may enjoy the liberty and privileges so dear to persons of enlightened minds.

Some apprehend, as *the fourth probable danger*, that if the population of India were raised in wealth, intelligence, and public spirit, by the accession and by the example of numerous respectable European settlers, the mixed community so formed would revolt (as the United States of America formerly did) against the power of Great Britain, and would ultimately establish independence. In reference to this, however, it must be observed that the Americans were driven to rebellion by misgovernment, otherwise they would not have revolted and separated themselves from England. Canada is a standing proof that an anxiety to effect a separation from the mother country is not the natural wish of a people, even tolerably well ruled. The mixed community of India, in like manner, so long as they are treated liberally, and governed in an enlightened manner, will feel no disposition to cut off its connexion with England, which may be preserved with so much mutual benefit to both countries. Yet, as before observed, if events should occur to effect a separation, (which may arise from many accidental causes, about which it is vain to speculate or make predictions), still a friendly and highly advantageous commercial intercourse may be kept up between two free and Christian countries, united as they will then be by resemblance of language, religion, and manners.

The fifth obstacle in the way of settlement in India by Europeans is, that the climate in many parts of India may be found destructive, or at least very pernicious to European constitutions, which might oblige European families who may be in possession of the means to retire to Europe to dispose of their property to disadvantage, or leave it to ruin, and that they would impoverish themselves instead of enriching India. As a remedy I would suggest that many cool and healthy spots could be selected and fixed upon as the head-quarters of the settlers, (where they and their respective families might reside and superintend the affairs of their estates in the favourable season, and occasionally visit them during the hot months, if their presence be absolutely required on their estates), such as the Suppatoo, the Nielgherry Hills, and other similar places, which are by no means pernicious to European constitutions. At all events, it will be borne in mind that the emigration of the settlers to India is not compulsory, but entirely optional with themselves.

To these might be added some minor disadvantages, though not so important. These (as well as the above circumstances) deserve fair consideration and impartial reflection. At all events, no one will, I trust, oppose me when I say, that the settlement in India by Europeans should at least be undertaken experimentally, so that its effects may be ascertained by actual observation on a moderate scale. If the result be such as to satisfy all parties, whether friendly or opposed to it, the measure may then be carried on to a greater extent, till at last it may seem safe and expedient to throw the country open to persons of all classes.

On mature consideration, therefore, I think I may safely recommend that educated persons of character and capital should now be permitted and encouraged to settle in India, without any

any restriction of locality or any liability to banishment, at the discretion of the government; and the result of this experiment may serve as a guide in any future legislation on this subject.

London, July 14th 1832. (signed) *Rammohun Roy.*

(77.)—CONDUCT OF EUROPEANS IN INDIA.

(77.) Conduct of Europeans in India.

THE following Paper having been drawn up by a person in the temporary employ of the Board of Control, after examination of the voluminous documents which had been laid before the Committee, relative to the conduct of Europeans in India, and having been submitted to the Committee, they have thought proper to include it in the Appendix, without however holding themselves at all responsible for any views which it may be found to contain.

THE purpose of the present Report is, to pass in review the various considerations which bear upon the question, whether the restrictions imposed on the settlement of Europeans in India should be *relaxed*, or any alteration made in the regulations to which Europeans are subject while residing in that country.

They who entertain opinions favourable to the continuance of restrictions on emigration to and residence in India, maintain that the evils which the misconduct of the European settlers creates greatly exceed the advantages which result from their residence, and that any considerable increase of their numbers would augment, in an increased ratio, the evils already produced, and lead to others of still greater magnitude.

By those who take the opposite view of this question, it is on the contrary alleged, that the settlement of Europeans in India has been productive of a large balance of advantages to that country, to England, and to the consumers of Indian productions; that the advantages have been rendered less, and the disadvantages increased, by the restrictions in question; and that the removal of these restrictions would be followed by an increase of the advantages in a much greater ratio than the increase of immigration by which it would be accompanied.

It has been thought convenient to treat the subject in the following order:—

I. To give an abstract of the Laws and Regulations which enforce restrictions, either on the settlement of Europeans in India, or on their proceedings while residing there.

II. To examine all the evidence that has been obtained respecting the effects which have resulted from past emigration, with the particular causes to which those effects have been attributed; and,

III. To consider the prospects which the removal of some or all the restrictions in question would afford, were the best practicable alterations which have been suggested, or which suggest themselves, made in the Laws and Regulations relating to European settlers.

I. Abstract of the Laws and Regulatons relating to European Settlers in India.

By 53 Geo. 3, c. 155, it is provided, that a licence or certificate from the Directors of the East India Company should be requsite to entitle any person to proceed to the East Indies. But if the Directors do not "think fit to comply" with any application made to them for such licence or certificate, they are bound to transmit the application, within one month from the receipt thereof, to the Board of Commissioners for the Affairs of India; who, if they see no sufficient objection thereto, may instruct the Directors to furnish the applicant with a certificate, permitting him to proceed to India, and entitling him, "so long as he shall properly conduct" himself, to the countenance and protection of the Company in India. Sect. 33.

The Governor-general, or Governor of any presidency, may, "for extraordinary reasons to be entered upon the Minutes of Council," authorize the residence of any subject of His Majesty in any place under the government of such presidency, until the pleasure of the Directors shall be known in that behalf. Sect. 37.

Section 36 provides, that if any person shall at any time so conduct himself, as in the judgment of the Governor-general, or Governor of the presidency in which such person shall be found, to have forfeited his claim to the countenance and protection of the Government, the Governor-general may declare his certificate or licence void, after which such person shall be deemed to be a person residing in India without licence or authority, "and may be sent forthwith to the United Kingdom."

But no such person is subject to any prosecution for residing in India without licence until two months after notice shall have been given to him, either personally or by publication in the Gazette, of the order by which his licence shall have been declared void.

By section 101, residence in India without licence or authority is made punishable, for the first offence, by a fine not exceeding 2,000 rupees, with imprisonment for a term not exceeding two months, unless the fine shall be sooner paid; and for the second offence, by a fine not exceeding 4,000 rupees, with four months' imprisonment, unless it be sooner paid. The offence is also punishable as a misdemeanor under previous statutes.

The licence or certificate obtained from the Directors under the provisions of this statute, merely authorizes the person to whom it is granted to reside at one of the principal settlements in India. To empower him to reside at any place distant more than ten miles from the presidency to which his license from the Directors relates, he must obtain permission Sect. 108.

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from the government of that presidency, specifying the particular district in which he is permitted to reside.

This permission may either be granted for a limited time, or during the pleasure of the Government.

The Directors of the East India Company, strongly impressed with the idea that the residence of Europeans in India would be followed by very mischievous consequences, if very effectual precautions were not taken to exclude improper persons, have governed themselves by the following Rules in the increase of the power conferred on them by the Legislature:—

Letter from the Chairs to Mr Canning, of 27 February 1818.

" Missionaries, or Schoolmasters.

" The Court have invariably, except in two or three instances, permitted applicants of this description to proceed to India, after being satisfied of the respectability of their character by the production of proper testimonials from persons of repute, or from the societies with which they were more immediately connected.

" Barristers, Attorneys, or Clerks to Attorneys.

" The Court have been influenced, in granting or refusing applications from persons in the profession of the law, by the representations of His Majesty's Courts of Justice in India, through the channel of the local Governments, as to the sufficiency, or otherwise, of the practitioners, in point of number, about the time when such applications were received. With respect to attorneys' clerks, we have no such guide; but it is well known to persons acquainted with India, that few Europeans of this description are requisite, as native copying and engrossing clerks are to be procured on moderate terms.

" Partners, or Assistants, in Mercantile Houses already established.

" The Court have always been desirous of enabling every established house of business in India to provide for casualties, and to obtain such additional assistance as they might require in consequence of the opening of the trade. Accordingly, when applicants of this class have been found, on inquiry, to be individually respectable, and when it has appeared that they were invited to join persons of good character in India as partners, or with a reasonable expectation of becoming partners, the Court have acceded to their applications. Clerks, perfectly competent to the subordinate details of a counting-house, are to be found in abundance among the half-caste and the native Portuguese, as well as among the Hindoos; and the introduction of a considerable number of European clerks would clash with the employment of people of this description, particularly of the half-caste, whom it is good policy to engage in peaceable occupations.

" Shipwrights, Coachmakers, and other Mechanics.

" Licences have been granted, in a variety of instances, to persons of this class: but the Court are desirous of limiting the number to what may be sufficient for the instruction and improvement of the natives in the useful arts. The latter are known to be great adepts in imitation; and their frugal habits render it impossible for Europeans to rival them in pursuits where success depends chiefly on the cheapness of manual labour.

" Agents to manage the Sale of the Cargoes of licensed Ships, and to procure Investments in return.

" When applications have been made by parties actually concerned in any ship or ships, licensed under the Act of the 53 Geo. 3, for permission for some person, named by them, to proceed to India, and there to remain during such limited periods as their interests might require, it has been the general practice of the Court to comply with those applications.

" Temporary Residents, to settle Private Affairs.

" In cases of this sort, the Court have required the applicants to explain the affairs upon which they desired to proceed; and when the Court have been satisfied that they were of a nature to require the presence of the applicants in India, leave has been given to them to proceed thither, and to remain as long as appeared to be necessary, under the circumstances of each case.

" Commercial Speculators, whether in the character of Principals, or Factors or Agents for Persons in Europe, and Candidates for Employment in any line in which it may be found.

" The Court have always looked with considerable jealousy to applications from this description of persons; because a general compliance with them would afford a wide opening for the indiscriminate resort of Europeans to India, contrary to principles upon which the administration of that county has hitherto been conducted, and to which we shall take the liberty of particularly soliciting your attention in the sequel of this letter. To show, however, the spirit by which they have been actuated on these occasions, we take the liberty of mentioning, that the authority vested in the Court, by the Act of 33 Geo. 3, to license the residence of persons at the several settlements in India, under free merchants' indentures, has, since the last renewal of the Company's Charter, been limited in its exercise to the nomination of eight free merchants annually. This arrangement was made in concurrence with the late President of the Board, expressly for the purpose of extending the opening for compliance with applications which might be preferred, upon reasonable grounds, by persons desirous of proceeding to India under the Act of 53 Geo. 3, cap. 155, sect. 33, and will, we doubt not, be considered as indicative of the Court's disposition (at the expense of all minor considerations) to carry into full effect the provisions contained in that section of the Act.

"Applications of Ladies.

"It has been the practice of the Court, before complying with applications from ladies, in the first place to ascertain that the applicants are persons of fair reputation; and, next, that they have received invitations to proceed to India, from friends or relations residing in that country.

"Applications of Menial Servants.

"The Court have always had strong objections to European menial servants, of either sex, going to India. They are generally found themselves to require the service of natives, over whom they are prone to tyrannize; whilst, in point of usefulness, they rank far below the native servants."

While residing in the interior of India, the Courts to which Europeans are subject, are as follow:—

By section 107, British subjects residing in, carrying on trade, or being in the occupation or possession of immovable property in any part of the British territories in India, at a distance of more than ten miles from the presidencies, are "subject to the jurisdiction of all courts" within the district in which they shall so reside, carry on trade, or possess or occupy immovable property, "*in all actions and proceedings of a civil nature, and in all matters of revenue,* in the like manner as natives of India." But all persons having causes of action against any British subject, may, at their election, either sue in the provincial courts or in the Supreme Court at the Presidency.

Some difference of opinion has existed among the various law authorities to whom the question has been submitted, respecting the applicability of this clause to suits arising in the interior of India, in which both parties are British subjects. But the opinion which has been acted upon is, that the Company's Courts have no jurisdiction over such actions, but that they must be brought in the Supreme Court at the Presidency.

Section 105 subjects British subjects residing out of the towns of Calcutta, Madras and Bombay, to the jurisdiction of the Company's criminal courts in the provinces, in all cases not being felony, and empowers the courts to inflict "a suitable punishment by fine not exceeding 500 *rupees,*" and to imprison the offender, if the fine be not paid, for a term not exceeding *two months.*

In cases which call for greater punishment than the Company's Courts are thus empowered to inflict, Europeans are subject exclusively to the jurisdiction of the King's Court at the Presidency.

The foregoing are all the provisions which the Legislature has seen fit to make with relation to the residence of Europeans in India; those which follow emanate from the Governor-general in Council.

By a Regulation of the Bengal Government, in 1793, it was provided, that "No European, of whatever nation or description, shall purchase, rent or occupy, directly or indirectly, any land out of the limits of the town of Calcutta, without the sanction of the Governor-general in Council;" nor should those who might make loans to natives "on the security or mortgage of their lands or leases, be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them in security for the loan." By Regulation V. of 1794, Europeans were permitted to hold land in Benares to the extent of 50 begahs each, for buildings.

Bengal Reg. 1793; 38, Sec. 3.

Sec. 4.

Until 1824 the Bengal Government appears to have scrupulously avoided granting permission to Europeans to hold land. The exceptions made by the Government were very few in number, and always founded on a consideration of the peculiar circumstances of each individual case. The indigo planters had "often fruitlessly prayed for this indulgence."

Mr. Trower's Min. 25 March 1825. Lords' Rept. 1830, on India, App. A. 5, No. 2.

In 1824 the Government of Bengal, being desirous of encouraging the cultivation of coffee, which could not be undertaken by Europeans without permission to hold land, established the following Regulations:—

"Europeans of respectability, being persons, of course, duly licensed as to residence, shall be authorized to take leases of land *for the cultivation of coffee,* under the following conditions and restrictions:

Res. Bengal, 7 May 1824.

"7. Persons desirous of establishing coffee plantations, shall, in the first instance, apply for the permission of Government to do so, stating the district in which they propose to have the establishment, and the quantity of land they wish to include in their plantations, and each of them. Such applications to be submitted through the secretary to Government in the Territorial department.

"8. When permission is granted, the parties shall submit to the collector of the district a detailed statement of the lands which they desire to occupy, and of the terms which they may have settled with the owners and occupants, including every one whom they may know to possess an interest in the lands; this statement shall be in English, Persian and Bengalee, if in Bengal; and in English, Persian and Hindoostanee, if in Behar or in the Western Provinces; and in English, Persian and Orysa, if in Cuttack.

"9. The collector shall cause to be published, on the land desired to be taken, or in the nearest hant or village, and shall likewise stick up in his cutcherry, an ishtahar, notifying the contents of the application, and requiring all persons who may desire to submit any representation in the matter, to come forward in person or by vakeel, within the period of one month.

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"10. Any representations which may be made to the collector in consequence of such notice will be duly investigated by him, and the result recorded in a regular proceeding.

"11. If the result of such investigation shall appear to him to render objectionable the establishment of the proposed coffee plantation, the collector shall report the circumstances to the Board of Revenue, and be guided by their instructions as to his further proceedings.

"12. At the end of the period fixed in the ishtahar, if there shall not appear to be any objection to a compliance with the application of the party, the collector shall either proceed himself to the spot, or shall depute the pergunnah canongoe, or other ameen, to measure and mark off the land proposed to be appropriated as a coffee plantation, and to take from the several parties interested therein the necessary deeds in favour of the planter, and from the planter the requisite engagements in favour of the parties.

"13. When the whole is concluded, the collector shall submit his proceedings to the Board of Revenue, who, if satisfied that all claims have been duly attended to and properly adjusted, will finally confirm the arrangement.

"14. Persons licensed as above to hold lands, will, of course, be chargeable with all expenses attending the measurement and demarcation of the same, and the other necessary investigations.

"15. Lands occupied by khoodkasht ryots, or other cultivators enjoying an hereditary right of occupancy, must not, of course, be transferred without the consent of those persons.

"16. Where the rents may be receivable by a talookdar or other middleman coming between the ryots and the zemindar or sudder malgoozar, the right of the latter to object to the arrangement will depend on the nature of the intermediate tenure; but, in general, it is the desire of Government that no lands should be taken by Europeans unless all parties possessing an interest in the soil or in the rents shall consent to the engagement.

"17. Europeans permitted to hold lands as above must bind themselves to submit to the award of the collector of the district, subject only to appeal to the Board of Revenue, in all matters relating to any rent or other consideration demanded from them, on account of the land occupied by them, as well as in all disputes touching the possession of the lands, or any wells, watercourses, tanks, reservoirs, or the like.

"18. The coffee plantation shall be liable to sale by the collector, in satisfaction of any award passed by him, if not otherwise satisfied, within such time as may be appointed by the Board of Revenue, to whom in all cases requiring a recourse to sale a reference shall be made.

"19. If any European, licensed to occupy land for a coffee plantation, shall violate the engagement into which he may enter, or shall usurp or violently disturb the possessions of his neighbours, or shall be otherwise guilty of any act in breach of the peace, the Governor-general in Council reserves to himself the power of cancelling the licence, and of directing the interest possessed by the offender in the plantation to be sold.

"20. The Board of Revenue will be authorized to take such further security as they may deem necessary; but, in general, his Lordship in Council would presume that the plantation itself will afford sufficient security. Parties who may suffer in consequence of the annulment of a planter's licence will also have their remedy in a suit in court.

"21. It will frequently, his Lordship in Council presumes, be necessary to include in the planter's possession, a certain quantity of land on which coffee cannot be grown, besides tanks and the like; and the plant requires the shelter of other shrubs or trees, which may at the same time be otherwise turned to profit. A certain latitude is therefore necessary, but the Board will see that it is not abused.

"22. It will, of course, be the business of the collector to see that an adequate rent is paid for all malgoozaree lands included in a coffee plantation; and the tenure will be secured from the operation of a public sale for arrears of revenue, under the provisions of sect. 31, Reg. II. of 1822.

"23. When a lease may be taken from a subordinate talookdar, the planter must take the precaution of making the superior holder or holders parties to his engagement, that he may be secure from the consequences of default on the part of the lessor."

On 17th February 1828, the Governor-general in Council resolved to extend the permission to hold land, granted by the Resolution of 7th May 1824, for coffee plantations, to all cases in which Europeans might desire to occupy land for the plantation of indigo, or for the growth of any other agricultural produce.

At the same time he rescinded the 19th, 20th and 21st sections of the Resolutions in question.

The Directors have objected to the rescission of these articles, and directed "that all the rules laid down, and all the securities provided by the Resolution of Government, dated 7th May 1824, shall be strictly observed in the case of every permission granted to an European to hold land on lease for the purpose of cultivation.

"Under these securities we do not object to your granting permission to Europeans to hold lands on lease in their own names, for the cultivation of indigo and other agricultural products.

"The length of the leases must, in all cases, be regulated with reference to the nature of the cultivation, and must not be greater than may be necessary to afford the undertaker the prospect of a fair remuneration for the capital he may expend. The leases must not, in any case, exceed the duration of 21 years, without a previous reference to us, and our express approbation.

"It is not less important, in the transfer of leases, than in that of the original grant, that Government

(77.) Conduct of Europeans in India.

Government should be satisfied in regard to the respectability and good character of the individuals who are to hold them, and therefore the permission of Government must be rendered necessary to every transfer of a lease held by an European."

The Regulations, therefore, which now regulate the permission granted to Europeans to hold land, are those of 7th May 1824, extended in their application to indigo and all other agricultural produce.

But few persons have availed themselves of the permission conceded by these Regulations. In two years, from May 1824 to June 1826, 11,000 begahs only were applied for, to grow coffee. And the applications for land have been equally inconsiderable, since the permission to hold land has been extended to the planters of indigo, and to the growers of all other species of agricultural produce. During almost the whole of the year 1829, the important liabilities imposed upon the holders of land by the 19th, 20th and 21st sections of the Regulations now in force, did not attach to the persons obtaining land; yet we are informed by the Government of Bengal, that the applications for permission to hold land were, even during that period, "altogether inconsiderable*."

Petition from Indigo Planters of Jessore. MS. Return to Orders of Comm. iv. 120, 127. Mr. Cheap, Judge of Mymensing, Return to Circular, v. 44.

The indigo planters allege, as the cause of their not applying for permission to hold land under the Regulations, that the restrictions with which they are encumbered render "the obtaining of a lease, if not impracticable, so tedious, troublesome and expensive, as to deter many from seeking it, and induce them rather to submit to the present system, objectionable as it is."

Mr. Taylor, Magistrate of Mirzapore, Return to Circular MS. ii. 311.

Most of the magistrates, commissioners of circuit, and other servants of the Company in India, seem tacitly to assume that this allegation is correct; and Mr. Taylor, the magistrate of Mirzapore, expressly states that "the Regulations lately enacted for permission to hold lands are of no avail; they are encumbered with such restrictions as to render them nugatory."

Mr. Cheap, Magistrate of Mymensing, MS. v. 45.

There is, however, one exception to this general agreement in opinion. Mr. Cheap, the judge of Mymensing, considers that "the forms to be observed (where so many interests are concerned) are in themselves far from protracting the object contemplated and sought, to an indefinite period; and my scepticism on this point," he adds, "is such, that, were the facilities ever so great, still the boon would not be received as one, or the planters avail themselves of it."

Mr. Cheap gives several reasons for his opinion, which in fact amount to this: that the planters, notwithstanding their assertions to the contrary, prefer the risk and loss attendant on holding land in the name of an Indian servant, with the consequent irresponsibility of the planter for all acts connected with the land, to the security which they would enjoy if the land were held in their own names, coupled with the responsibility which they would then incur.

The majority of opinions are, as has been already said, strongly against Mr. Cheap's view of this matter. And it is difficult to believe that the loss which the planters must sustain from the misconduct of their servants, in whose names they hold land, can be overbalanced by any advantage derived from the acts of oppression which they are thus enabled to permit those servants to commit.

Petition from Merchants of Calcutta to Governor-general.—Asiatic Mag. July 1829, p. 86.

The merchants of Calcutta estimate "the losses resulting from the insecurity of lands held in the names of natives, from the failure of ryots who have received advances to perform their contracts, and from the litigation and affrays they are liable to be involved in by the relation in which the existing Regulations compel them to stand to such persons, at not less than 25 per cent. on the total outlay."

II. Effects which have resulted from the Settlement of Europeans in India, under the restrictions and other peculiarities of the Law relating to Europeans, described in the preceding Section.

The persons who have settled in India, unconnected with the service either of the Company or of the King, are of two classes:

1. Those who inhabit the principal towns, in the capacity of merchants, tradesmen or artisans; and,

2. Those dwelling in the interior, who are almost exclusively engaged either as principals or assistants in the production of indigo.

Accounts and Papers, No. 51. Select Committee on East India Company, 1831.

The total number is very small. A statement furnished to the Committee on Indian affairs in 1831, by the East India Company, estimates the number of Europeans resident at the several presidencies in India, in 1828, as follows:

Bengal	1,595
Fort St. George	116
Bombay	236
Other parts	19
	2,016

* It appears from a Minute of the Governor-general, which accompanies the Revenue Letter of 1 January 1830, that only six applications were made, of which five were admitted. The whole extent of land comprised in three of the five applications was 15,000 begahs.

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Of these 2,016 persons, a large majority are engaged in trade in the principal towns. It appears, from certain returns obtained by the Governor-general, from the magistrates and joint magistrates of the provinces subject to the presidency of Bengal, that the Europeans engaged in the indigo factories, whether as principals or as assistants, do not amount to one-third of the number mentioned above as resident in Bengal.

Against those resident in the towns, that is, against two-thirds of the whole number, scarcely a word of complaint is to be met with. Natives and Europeans concur in agreeing that nothing but benefit has resulted to India from their presence.

Their capital has furnished employment for the working classes and enriched the country. New trades and manufactures, and knowledge of various sorts, have been communicated by their means to the natives, and their conduct appears to have been perfectly unexceptionable.

The inhabitants of the towns in which Europeans chiefly reside, appear to have derived great benefit from the intercourse which has taken place. Their progress in knowledge, social, moral and political, is universally spoken of as very considerable, both by the more enlightened of the natives themselves, and by the European population of Calcutta.

Rammohun Roy, an illustrious native, who is at present in England, expressed this opinion, in a speech delivered at a public meeting of the native inhabitants of Calcutta, in the following manner:

"From personal experience I am impressed with the conviction, that the greater our intercourse with European gentlemen, the greater will be our improvement in literary, social and political affairs; a fact which can easily be proved by comparing the condition of those of my countrymen who have enjoyed this advantage, with that of those who have unfortunately not had that opportunity."

Similar opinions are either expressed or tacitly assumed in every paper which issues from the Indian press, that has any relation to the subject.

Instances may indeed be found, in which native writers charge the European tradesmen with having superseded their native rivals. "The editor of the Chundrika (a paper conducted by a native) instances five cases, that of house-builders, carpenters, goldsmiths, tailors and boatmen, and observes, that the profits accruing to persons in the above occupations have considerably diminished from the present competition of Europeans, and that many natives who formerly followed the same callings had made their fortunes."

Calcutta Journal, Jan. 1830, p. 154.

The answer to the argument involved in this complaint is so obvious that none could have been thought necessary in this place, if the following had not been found in a Calcutta journal. The writer of it professes to be "an impartial zemindar."

After stating the complaint of the Chundrika, in the language just quoted, the zemindar thus proceeds: "In adducing this instance to support the favourite opinion of the editor, he has not considered the real circumstances of the case, but has looked to the mere surface of things. The truth is, that when a large body of Europeans came into Calcutta, and established themselves in different trades, people began to learn their business, and, after acquiring sufficient skill, were employed by these Europeans on advanced wages. Before this, an individual or two, who excelled in their profession, had monopolized the whole business from the absence of suitable competitors, and had thereby made an immense profit. Let us only consider the numbers of house-builders living in each division of Calcutta; how many carpenters', goldsmiths' and tailors' shops have been established, and to what an extent boats have multiplied; and all these people are not in want of business, far from it: when we have occasion to employ any of them, we find them seldom agreeing to any terms which fall short of what they wish to get. The number of workmen in this town is not easily calculated; and even with this increase in their number, the present lowest rate of tailors' wages is from seven to eight rupees, and the highest not less than sixteen rupees a month: fifteen years ago their rate was four rupees, and the highest not more than eight rupees. Formerly carpenters made large pestles and mallets, and at the most were able to earn three or four rupees only; whereas, from the extensive business now carried on by Europeans, some of the carpenters earn forty, others fifty rupees; and the case is the same as to goldsmiths, house-builders, boatmen and others.

"The editor further observes, that 'the establishment of Gibson & Co. as tailors, of Holt & Co. as carpenters, and of Hamilton & Co. as jewellers, has impoverished the natives who were engaged in those occupations.'—I beg of the editor to go a little about the shops of those gentlemen, and see how many hundreds of natives are employed by them at fair remunerations. Such a large portion of the community were never so well supported, even in the times of the greatest princes, nor have we heard of an instance. The fact is, that formerly, the whole business having been engrossed by one or two persons, they made the greatest profit. At present, the trades being left free to general competition, there is a numerous body of competitors, and each of them cannot of course be expected to make the same degree of profit as was done before. All of them, however, find employment, owing to the extensive business of Europeans, and, on the whole, they earn more now. Their earnings are comparatively greater now than before. We hence conclude, that no one will, after ascertaining the general opinion on the subject, and making proper inquiries into the matter, be disposed to enter into such a perverse dispute about the benefits which will arise from the free settlement of Europeans in this country."

The doubt that exists respecting the benefit which Europeans have conferred on India turns entirely on the conduct of those who reside in the interior, the indigo planters. The present inquiry, therefore, relates almost wholly to them.

The

The plant from which indigo is manufactured is indigenous in India, and the dye extracted from it has been used in the East from the earliest ages. But until British skill and capital were applied to its production, the quality of that produced in India appears to have been very inferior to the indigo of other countries, and the quantity exported to foreign markets consequently small. Since the attention of British capitalists has been directed to its culture, the quality of Bengal indigo has been so much improved, that it now supplies not only almost the whole consumption of England, but a large proportion of that of the whole world. This proportion has been estimated so high as four-fifths.

Mr. Rickards' Evidence before the Committee of 1831, p. 240.

During the five years ending 1789, the quantity of indigo imported into Great Britain was as follows:

	From British Possessions in E. Indies.	Total.
1785	154,921	1,693,509
1786	253,345	1,978,290
1787	363,046	1,877,830
1788	622,691	2,096,611
1789	371,469	1,966,687

During the five years ending 1830, it was:

1826	7,652,946	8,085,751
1827	5,384,998	6,067,747
1828	9,660,152	9,913,010
1829	5,965,128	6,748,281
1830	7,920,172	8,216,440

In the former period no indigo was imported from any foreign possession in India; during the latter, the following quantities were imported from such possessions:

1826	26,709
1827	21,520
1828	24,669
1829	17,263
1830	16,685

The merit of having introduced the improvements by which the indigo of Bengal has been enabled to command the extensive sale which it now possesses, is universally attributed to the planters of Great Britain.

It appears, indeed, that even now, when the improved methods of manufacture introduced by them have been adopted by the natives, the indigo manufactured by the latter is generally decidedly inferior to that produced by the factories conducted by Europeans. The inferiority has been estimated at 15 per cent., while the indigo manufactured by the old native process is said to be wholly unfit for foreign markets.

Mr. Rickards' Ev. Com. 1831, p. 240.

The advantages resulting directly from the employment of British capital in the cultivation of indigo, have, therefore, two sources:—1. The quantity of capital employed by the planters; and, 2. The improvement made in the quality of the commodity produced, and the field consequently opened for the employment of British capital in India.

The source of almost all the advantage which the *natives* of India derive from the cultivation of indigo by European planters, is the amount of capital employed in it. The benefits which result from the improvement of quality, or from any saving of labour in the production of the indigo, are wholly reaped either by the consumer or the planter. If the competition between the planters has been sufficient to reduce the price of indigo to the point at which it yields no more than the rate of profit ordinarily obtained from capital in India, the whole advantage of the improvement is obtained by the consumer. If the competition have not attained this point, extraordinary profits are reaped by the planter, which are either consumed by him, remitted to his principals in England, or go to increase his capital. The natives of India share in this advantage, as consumers or planters, but only to a very limited extent. The quantity which they consume is not great, and the native planters form but a small proportion to the whole number engaged in the trade. As consumers, the people of England share in two ways: in the diminished price or improved quality of the articles which they wear; and, secondly, in the encouragement afforded by diminished price and superior quality to the more extended consumption of the staple manufactures in which indigo is employed. As capitalists, they are benefited by being enabled to employ a considerable amount of capital at the high rate of profit current in India, instead of employing it at a lower rate at home or elsewhere.

See Mr. Bracken's Ev. Com. H. C. 1831, who considers that about one-fifth part of all the Indigo exported from Calcutta is manufactured by Native Planters.

That these advantages result to England, to the planters, and to the consumers at large, is denied by no one. No materials, however, exist for forming any estimate of their amount.

The planters claim the merit of much greater services to their country. They point to the total value of the indigo produced, and assert that "a property worth 3,000,000 *l.* per annum" has been "*created* solely by the skill, capital and enterprise of British-born subjects living in India on mere sufferance." To which they add, "the benefit conferred by the manufacture of Indian indigo on the manufactures and commerce of this country amounts to this, that it is the principal, and nearly the only means to be depended upon, which the monopoly principle leaves open, to enable India to pay for the manufactures of this country, and that it does so to the yearly value of three millions sterling." This language is in a high degree inaccurate, and calculated to mislead. The planter is not entitled to credit for creating the value of the indigo he produces, in any other sense than that in which every manufacturer at home is entitled to similar credit in relation to the product of his capital. The indigo is not produced from nothing; it does not add by the whole amount of its value

"Free Trade," &c. p. 22.

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to the wealth of the world. The capital which has produced it would have produced something if it had not been employed in the manufacture of indigo; and the only value "created by the skill, capital and enterprise" of the indigo planter, which would not have been created if the capital had remained in Europe, is the difference in profit which the planter himself has reaped. For opening the way to this gain, he is entitled to credit, but not for creating a property equal to 3,000,000 *l.* per annum. Neither is the demand for British manufactures increased by that amount, in consequence of the extended cultivation of indigo with English capital; and this for several reasons.

In the first place, supposing it even to be granted that British capital could not have found any other employment in India, and that indigo for exportation could not have been produced without its aid, it by no means follows as a necessary consequence, that the demand for British manufactures has been increased by the whole amount of the value of the indigo produced through its means. The improvement of indigo may have prevented other commodities from being exported: this, indeed, is the only necessary effect of simply adding a new article to the kinds previously exported. The commodities which would otherwise have been paid for with the old articles of export, are then paid for with the new. But unless some peculiarity of the latter prevents the free competition of capitalists in the producing country, and keeps it at a monopoly price in the exporting market, no encouragement is given to the consumption of imported commodities; they cannot be obtained for less labour. The indigo which represents a day's labour, exchanges for no more than the product of a day's labour in the article which would otherwise have been exported; but at that price the new article is preferred by the importing nation to the old. The consumers obtain the whole advantage of the improvement. Even if the new export bear a monopoly price, no facility is thereby afforded to the consumers in general, of obtaining foreign commodities. The monopoly profit goes into the pocket of the capitalist, and the increase of demand, which takes place for foreign manufactures, is measured by the extra quantity of them which he (the capitalist) may consume.

If, as in the case in question, the article is one for which there is a more extensive foreign demand at remunerating prices than for those previously exported, it will, besides superseding the export of those commodities, invite an increased import of foreign goods.

This the extension of the indigo trade has doubtless effected in some measure, but not nearly to the amount of 3,000,000 *l.*, as the following statement clearly proves:

In the six years ending 1796, the exports from Great Britain to India and China amounted on an average to 2,520,871 *l.* At that time the Bengal indigo trade was in its infancy, the quantity of indigo imported into Great Britain from India annually being only 1,690,000 lbs.

For the six years ending 1814, the annual average import of indigo from India was 4,550,000 lbs.; while the export of British goods to that country, so far from having been increased in proportion to the value of the additional quantity of indigo imported, had decreased to 1,740,137 *l.*

It is clear, therefore, that the indigo planters have not added 3,000,000 *l.* to the Indian demand for British manufactures.

It must further be considered, that that which has been added is not so much clear addition to the total aggregate of demand. The capital employed by the British planters in India would have occasioned a demand for our manufactures, and moreover maintained our labourers also, if it had been employed in England.

That the cultivation of indigo in India is beneficial to England, and to the consumers of the article, is never denied, though differences of opinion may exist respecting the nature and extent of the benefits which it confers.

The point upon which the whole question of settlement or colonization turns, is the effects on India, on the prosperity and happiness of the native inhabitants, and on the stability of our Eastern empire. Now all the advantages which flow to the natives of that country from the cultivation of indigo by European planters, have their source in the amount of foreign capital employed *; which creates a demand,

1. For their labour, and
2. For their land.

The materials at hand for estimating the amount of capital engaged in the indigo manufacture of Bengal, or the quantity of land or labour employed by that capital, are very imperfect, perhaps necessarily so. The only estimates obtained are derived from the planters themselves; none other have been met with in any of the papers submitted, nor have any means been discovered of verifying or correcting those thus obtained.

2,000,000 *l.* is the amount stated by the planters of Jessore as the annual expenditure of the indigo factories. Another estimate, published by the planters, is somewhat lower. It assumes, "that in the Bengal territories the average yearly produce of indigo at present is, and in future will probably continue to be, about 9,000,000 lbs., produced at a prime cost of 3*s.* 8½*d.* per lb., equal to 1,680,000 *l.*; selling in Calcutta at 5*s.* 4*d.* per lb., or 2,400,000 *l.*; producing a net profit of 720,000 *l.* to the planter, and re-selling in Europe at 8*s.* per lb. including expenses, which is equal to 3,600,000 *l.*"

MS. Return, vol. iv. p. 10.

Petition of Planters of Jessore to the Vice-President of Bengal in Council, 16 March 1829.

Letters from British Settlers in the interior of India, with notes by J. Crawfurd, p. 93.

The

* If the cultivation of Indigo has caused capital to be retained in India, which would otherwise have been remitted to England, that capital must be looked upon in the same light as capital actually exported from England.

The addition of so large a capital as that undoubtedly engaged in the indigo manufacture, to the native capital of the country, supposing it really to be an addition to all that would otherwise have existed in the country, must obviously have conferred on India benefits of great magnitude.

Of the demand for labour created by such an amount of capital, the following considerations will suggest an approximate conception:

In consequence of the low price which the provisions and other articles consumed by the ryot bear in India, the quantity of capital represented by a given number of pounds sterling is much larger there than in England.

The same sum of money would furnish a much larger number of men with food and clothing, on a given scale, in the former than in the latter country. But the customs of the country, the abstemiousness of the people, and the warmth of the climate, render a much smaller quantity of food, clothing and shelter requisite to maintain a given degree of comfort in India, than would be necessary to produce an equal effect in England. A given quantity of money would therefore properly support a much greater number of people; but supported as the labourers of India in fact are, the difference is greatly augmented.

A large number of witnesses examined before a Committee of the whole House on Indian affairs in 1813, agreed in stating the ordinary wages of labour in India to be from 3*s.* to 5*s.* or 6*s.* per month. Since that period the advance which has taken place seems not to be very considerable; 5*s.* to 8*s.* per month are mentioned in several of the letters from planters before quoted, as the wages now usually given in the districts where indigo is grown. Whether an equal rise of wages has taken place in other districts does not appear.

Attempts have been made by the Governor-general to obtain an accurate account of the number of natives in the immediate employ of the factories. With this view the magistrates and joint magistrates of the provinces subject to the presidency of Bengal were instructed to fill up, with the assistance of the planters in their respective districts, a statement of the native establishment employed at each factory, distinguishing that part which was permanent, "or kept up all the year round, from the servants, &c. entertained during the growing and manufacturing season." Circular Letter, 29 December, MS. vol. ii. pp. 115, 116.

But the labourers in the immediate employ of the factories form but a small part of those maintained by the capital of the planters. They do not even include those employed in the cultivation of the plant itself, when it is grown by the ryots for the factories, which two-thirds of the whole quantity produced is. Neither do they include any of the numerous classes maintained indirectly by the factories. Further than this, the information required has not been understood in the same sense by all the parties who have made returns; some have included the common labourers, or coolies, others have omitted them. These returns, therefore, afford but little assistance to the inquirer.

The increased demand for labour may have benefited the native population of India in either of two ways, or, to a certain extent, in both. It may have found employment for the number of persons whom it employs, in addition to the population which would otherwise have been employed by the native capital of the country: or it may not have found employment for a greater number, but drawn its supplies from other occupations, by the allurements of higher wages, and thus improved the condition of the labourer. If the population of the country has kept pace with the growth of demand for their labour, the former has been the consequence; the aggregate production of the country must have acquired a proportionate increase; the demand for land in that case has been increased by means of British capital, to the extent, not only of the quantity required for the cultivation of indigo, but also of that required to supply, either directly or indirectly, the wants of those employed by the factories, and of the families dependent on them. New land has been brought into cultivation to meet this demand, or old more carefully tilled. Rents have risen, and the revenue derived by Government from land has been increased, if proportional, and paid with more facility, if fixed. These are the necessary consequences of an increase of capital, accompanied by a proportionate increase of population.

If, on the other hand, the supply of labour, the number of labourers, have not increased at all, or not in proportion to the augmentation of capital, the advantages above described have resulted in a degree proportionally diminished; but the condition of the people must have been improved, they must be better fed and better clothed.

In either case, besides the demand for labour and land, arising directly out of the capital employed in the cultivation and manufacture of indigo, the country would also be indebted to it for the demand created by accumulation from the wages paid by the planter, or from the rent brought into existence through his means, and by the impulse thus afforded to the general prosperity of the country.

The advantages just enumerated are those which a country derives from the influx of foreign capital; they are those which India must have reaped from British capital, unless an equal quantity of native capital has been prevented by the operations of the indigo factories from being accumulated.

They who believe that the oppressive conduct of the planters of indigo works mischief which more than counterbalances the benefits that the natives derive from their presence, must suppose, either that the capital employed by the indigo planters is not an addition to the capital of India, or that the uncertainty, vexation and suffering which they spread among the natives, beyond what the native zemindars would have occasioned, are more than equivalent to the benefits conferred by the addition.

If the capital of the planters is not an addition to the capital of India, it must either have been itself wrested from the natives by the planters, or the conduct of the latter must have prevented the accumulation of an equal quantity of native capital.

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Before any inquiry is instituted into the extent of the benefits which the capital employed by the planters has conferred on India, it is therefore necessary to inquire into the conduct of the planters, with a view to discover what ground exists for assenting to either of these propositions.

The proposed inquiry will show what the evils inflicted on the natives by the planters are, and furnish some materials for a comparison between them and those which would probably have been suffered at the hands of the native zemindars.

From this an opinion may be formed, with more or less confidence, respecting the side to which the balance of consequences to India inclines.

A further question remains to be considered with relation to England; viz. whether the conduct of the indigo planters has disgusted the natives, rendered them discontented with British dominion, and thus shaken the stability of the power which England possesses in the East.

Conduct of Indigo Planters.

With a view to obtain information on this topic, the Governor-general in Council issued two circulars, one on the 24th of March 1829, and the other 29th December 1829, to the magistrates and joint magistrates of the provinces subject to the presidency of Bengal. The latter of these letters was substituted for the former, because it was found, after returns had been received from several of the magistrates, that the details obtained were little calculated to effect the purpose in view.

MS. Return, vol. ii. p. 112.

The functionaries in question were, by these circulars, directed to state, "whether it is necessary, for the effectual subjection of the indigo planters and servants to the control of the law, that any further legislative provisions should be made in addition to those which already exist."

They were also requested to report their opinion "on the general character of the European indigo planters residing within their jurisdiction, in regard to their transactions with, and treatment of, the natives around them. You have doubtless," it was added, "many opportunities of learning the estimation in which they are held; and it will be satisfactory to Government to be informed of your sentiments on the general question."

They were further instructed to fill up the following form:

1.	2.	3.		4.	5.	6.	7.	8.	9.
Name of Factory.	European Superintendant, with Names at length.	Permanent, kept up all the Year round.	Servants, &c. entertained, during the growing and manufacturing Season.	Amount of ordinary Advances.	Begahs in Cultivation.	Produce Average.	Number of Asames receiving Advances.	Number of Civil Suits lodged in five Years, for and against.	Number of Criminal Prosecutions, for and against.

And informed, "should you not be able to fill up the columns from the materials now in your possession, there can be no reason why the manufacturers should not be furnished with a copy of the form, and requested to fill up the items wanting."

In reply to this circular, much highly useful information was obtained beyond what falls within the strict limits of the questions.

Several of the gentlemen addressed went at great length into the consideration of the causes and character of the disputes which occur in the indigo districts, the disturbances to which they lead, and the various preventions of these evils which suggest themselves. These opinions, coupled with returns of the number of suits, and summary descriptions of their nature, furnish a very complete view of the conduct of the planters, and of its causes. The evidence is, however, defective in instituting no regular comparison between the conduct of the planters and that exhibited by the zemindars where there are no planters, and where, therefore, there is no pretext for saying that they are driven to acts of violence and fraud by the misbehaviour of their European neighbours.

A large majority of the opinions, too, respecting "the conduct of the planters in regard to their transactions with, and treatment of, the natives," are general and vague; and many of them seem to have reference rather to their *personal* conduct and demeanour, than to the conduct of the native servants, by whom their affairs are managed.

MS. Return, iii. p. 187–189. Mr. Walters, Mag. City Dacca.

The cultivation of indigo appears to be conducted in four different ways:—the first is called "tuia dadun," in which the planter advances a certain sum per begah to the ryot, who merely ploughs the land, and sows it with seed provided by the planter, the latter cutting the plant and carrying it to the vats, the profit or loss being his own.

The second mode of cultivation is called "bundle dadun." In this, the planter advances to the ryot a certain sum per begah, for which he agrees to bear all the expenses of cultivation, and to deliver the plant at a certain number of bundles of a given circumference per rupee.

rupee. Sometimes, but rarely, the advance is made to the zemindars, who make their own terms with the tenantry. MS. Return, ii. p. 175.

The third mode is the "neezehar," or home cultivation, the land being drained and cultivated by the planter, at his own expense and risk, by means of hired labour. The land employed in this way is holden by the planter in the name of some native servant, to evade the Regulations which prohibit Europeans from holding lands.

The fourth mode is rarely adopted: it is that of buying the plant of those who grow it, without receiving advances. MS. Ret. ii. 154.

"A great portion of the lands under indigo cultivation is held virtually by Europeans. The tenures are registered either in fictitious names, or in the name of some native dependant of the factory." MS. iv. 228. Sudder Dewanny Adawlut to Government of Bengal.

The merchants of Calcutta estimate the proportion of indigo plants, grown by the planters themselves, at one-third of the total produce. Petition of Merchants of Calcutta to Lord W. Bentinck, Asiatic Mag. July 1829.

Of the remaining two-thirds, almost the whole is cultivated on the system above described, under the name of "bundle dadun."

The ryot by whom land is cultivated on these terms enters into a contract, on stamped paper, binding himself to cultivate indigo on certain land, the boundaries of which are specified in the contract, and to deliver the plant at the factory at a certain fixed price. The contract is conditioned for the payment of a heavy penalty in case of breach. MS. Ret. vol. iv. p. 1, 2. Memorial from Indigo Planters of Jessore.

Petition of Indigo Planters at Dacca Jelalpore. Id. 42, 43. See form of Contract used in Tirhoot, MS. Ret. vol. ii. 397.

Most of the disputes by which the indigo districts are so constantly disturbed, arise out of the "bundle dadun" mode of cultivation, which seems to be considered the most disadvantageous to the native: indeed it is stated by one of the magistrates, who has gone most into detail on this topic, that "except by compulsion or from dire necessity, advances of this nature are rarely received by the ryot." MS. Ret. vol. v. 57. Mr. Cheap, Mag. Mymensing. MS. Ret. vol. iii. 190. Mr. Walters, Mag. Dacca.

The same authority states, "that the home is by far the least objectionable mode of cultivation, and provided the farms are airly obtained from the rightful owner, and the boundaries well defined, seldom leads to any complaint, or breach of the peace."

The subjects of the disputes which disturb the indigo districts are:

1. The neglect or refusal of the ryot to plough the land for which he has received an advance, to sow it with indigo seed, or to cut the crop when fit to be gathered.
2. The receipt, by the ryot, of advances from two or more planters for the same crop.
3. Questions respecting titles to land, or the boundaries of estates; and,
4. The destruction of the growing indigo by cattle or otherwise.

All these are exceedingly fertile sources of dispute. The breaches of contract produce the greatest number of questions, but those which arise out of the other causes are also very numerous. In the provinces to which the permanent settlement extends, the titles of the zemindars are clearly established, and the boundaries of their estates, or zemindaries, defined perhaps with sufficient accuracy; but the rights derived by the ryots who inhabit these zemindaries, from local custom, and confirmed to them by the Regulations which established the permanent settlement, differ in almost every village.

And it is a matter of general complaint, that "the great pressure upon our tribunals arises from the mass of litigation connected with the rights, tenures and interests of the proprietors and occupiers of lands, and to the want of accurate definition of the rights and interests intended to be conveyed under the permanent settlement." Letter from Bengal.

In the Ceded and Conquered Provinces, the uncertainty which exists in this respect is still greater. Many large tracts of the finest soil are described by some of the planters as lying waste, "in consequence of the feuds of different claimants," whose affrays, "to obtain possession, supply the provincial gaols with more than two-thirds of their prisoners."

The proprietary rights of those villages which are under culture, are stated to be scarcely better ascertained, and the planters complain that it is impossible to ascertain who is the legal owner of any land which they may wish to rent.

The disputes respecting titles are rendered more numerous than they would otherwise be, in those districts in which indigo is grown on land *not* subject to annual inundation, by the necessity which the planters lie under, in that case, of obtaining a constant change of land.

In other districts, "indigo is grown chiefly on churr lands, within the limits of the annual inundation;" and as the rivers change their courses yearly, innumerable disputes arise respecting the titles to the land left by the rivers when they subside. MS. Ret. vol. iii. 211. Mr. Walters, Mag. Dacca.

In consequence of these several causes the planter frequently finds, after he has made his advances, or cultivated the land, perhaps even not until the crop has arrived at maturity, that the title of the person with whom he contracted is disputed.

In some districts "the chief cause of contention between the indigo planter and the villagers arises from the frequent trespasses committed by cattle on the indigo fields, and I believe those acts to be more frequently intentional on the part of the herdsmen, than accidental. The loss which the manufacturer is subjected to by the invasion, upon the plant, of a herd of cattle (whether such trespass be intentional or otherwise), must obviously prove a source of great annoyance." MS. Ret. ii. 144. Mr. Lowther, Mag. Bolundshuheer.

The magistrate of Mymensing, one of the districts in which most acts of violence occur, says, "It is incalculable the number of disputes and complaints to which these trespasses give rise, and no inconsiderable time is occupied in investigating the latter."

The great cause of these trespasses is, the want of hedges and inclosures. "In India Ibid.

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hardly a fence of any sort of strength is to be seen, with the exception of those round mulberry fields, and patches of ground adjoining dwelling-houses."

MS. Ret. iv. 118. Memorial of Planters of Jessore to Governor-General in Council.

The planters complain vehemently of the serious evils "to which their lands are subjected by herds of cattle being turned loose upon them, generally during the night. Whole fields of promising plants are thus suddenly eaten up and destroyed, and when resistance is made by factory servants, the villagers frequently oppose, and serious conflicts ensue. The records of the zillah courts will, your Memorialists believe, show that from this cause innumerable quarrels and disputes arise between the planters and ryots."

Whatever be the ground of any dispute which arises between an indigo planter and natives, or between two planters, force appears to be appealed to, in most instances, for its decision.

MS. Ret. II. p. 144. Mr. Lowther, Mag. Bolundshuheer.
158. Mansell, - Agra.
271. Ainslie, - Hameerpoore.
387. Campbell - Tirhoot.
III. p. 28 to 42 - Smith - Rungpoor.
130 - - - Millet, - Beerbhoom.
IV. 264. 213. 215. Tucker, Commr. Dacca.
III. 325 to 327 - Pringle, Mag. Jessore.
IV. 114. Memorial Planters of Jessore.
243. 251. Mr. Ross's Minute, Jud. 5th May 1829.
IV. 69, & I. 92. Mag. Benares.

IV. 114. Memorial of Planters of Jessore to Governor-general.

The explanation of this fact is not to be found in any particular turbulence of character, either on the part of the planters or of the natives, but in the *impotence* of the law to protect either, to which many causes contribute.

The planters of Jessore state, "that lawless violence and force have too frequently prevailed (in the indigo districts), and prevailed, as your Memorialists would earnestly press on your Lordship's attention, because force and violence alone have been found able to protect private property from spoliation and ruin."

Defects in the law itself are complained of, as are also faults in the mode of procedure, and corruption among the police and native officers of the courts; but the principal cause appears to be the want of a sufficient number of judges.

I. Defects in the law itself.

The only remedy which the law, until altered in 1829, professed to provide for the infraction of indigo contracts, or for acts of trespass, committed either by the natives or planters, and the only means of determining any questions respecting the title to land, was a regular action in the zillah court, except in the following cases:

1. Disputes between British subjects can be decided by action in the Supreme Court at the Presidency only. The zillah court has no jurisdiction over such suits.

Reg. VI. of 1823. 2. If any person shall have given advances to a ryot, or other cultivator of the soil, under a written engagement, stipulating for the cultivation of indigo plant on a portion of land of certain defined limits, and for the delivery of the produce to himself, or at a specified factory or place, such person shall be considered to have a lien or interest in the indigo plant produced on such land, and shall be entitled to avail himself of the process hereinafter provided for the protection of his interests, and for the due execution of the conditions of the contract.

3. First.—If any person who may have made advances on conditions of the nature above described, shall have just reason to believe that an individual under engagement with him is evading, or is about to evade, the execution of his contract, by making away with and disposing of the produce otherwise than is stipulated; or that he has engaged secretly or openly to supply the same to another; it shall be competent to such person to present a petition of complaint to the zillah or city judge, or to a registrar exercising the powers of joint magistrate, within whose local jurisdiction the land stipulated to be cultivated with the indigo plant may be situated; filing with the same the original deed of engagement by which the produce may be assigned and engaged to be delivered to himself or at his factory, and certifying in his petition that such deed was voluntarily and *bonâ fide* executed by the individual complained against.

Second.—On such petition and original deed of engagement being filed, a summons or tulub chithee shall be immediately issued through the nazir in the usual form, requiring the individual named in the petition to attend and answer to the complaint, either in person or by an authorized agent, within such specified period as may in each instance appear reasonable, and which period shall in no case exceed 20 days.

Third.—The officer entrusted with the execution of the process shall also be entrusted to affix a copy of the summons in the village cutcherry, or other place of public resort, and to erect a bamboo on the specific parcel of ground on account of which the claim may have been preferred, and which it shall be the duty of the plaintiff or his agent to point out. By these means sufficient public notice of the claim will be given, to enable persons desirous of contesting the plaintiff's right, or of establishing a prior right to the produce of the land, to appear, either in person or by an authorized agent, before the court for that purpose; and the failure so to attend, before the summary decision be passed, will be held to bar the claim of any third party, founded on any contract for the produce of the land in question, unless it be established by a regular suit.

Fourth.—If the officer serving the process shall not be able to execute it on the person of the defendant, he shall nevertheless publish the claim in the manner above directed; and if the defendant shall not appear to answer to the complaint within the period specified in the summons, and no other claim be preferred in bar of that of the plaintiff, the judge or other officer shall, after taking evidence to establish the deed and other allegations of the plaintiff, proceed to the adjudication of the claim, in the same manner as if the defendant had personally appeared.

Fifth.—If the defendant, or his authorized agent, should attend within the period specified, and should deny the execution of the deed of engagement filed by the complainant, proof of the same shall be taken, and if its voluntary execution be established to the satisfaction of the court or other tribunal trying the case, and no preferable claim be established by

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a third party, a summary award shall be made, adjudging to the plaintiff the right of receiving the crop, according to the terms of the agreement. The same principle shall be applied, if the engagement be admitted, and no satisfactory reason be shown why the defendant should not be held to the performance of his contract.

(77.) Conduct of Europeans in India.

The cases specified in these Regulations are the only ones in which a summary suit was, till lately, sanctioned by the law. It appears, however, to have been the general practice of the magistrates, without the authority of any law, to impose a fixed fine per head upon cattle found trespassing, instead of leaving the occupier of the land to his action for damages. The fine "generally" adopted was one of four "annas" for each animal.

MS. Ret. vol. v. p. 37. Mr. Cheap, Mag. Mymensing. —Ib. 136. Memorial of Planters of Jessore. MS. Ret. iv. 118.

In all the cases, however, in which it has been intended to provide peculiar facilities for the protection of rights, the summary remedy afforded appears to be very insufficient.

The planters assure the Governor-general in Council "that the innumerable quarrels and disputes which arise" (from trespasses on the indigo-fields) "between the planters and ryots, cannot, under the present state of the law, be expected to cease; the fine of four annas per head for cattle thus found trespassing affording no adequate compensation to the planter, considering the difficulty of prosecuting the offending parties to conviction. When your memorialists state, that a herd of 100 cattle will, in the course of a few hours, destroy plants capable, if preserved, of producing indigo worth many thousand rupees, your Lordship will at once see and acknowledge that fines, to the extent of 25 rupees, can be no compensation for the enormous loss sustained, even were the facilities of punishing the offenders all that could be desired."

Ib. 119.

The lien given to the planter on growing indigo, and the summary suit for non-cultivation, which is provided for him by the Regulations of 1823, are equally insufficient to effect their purpose.

The planter has no lien, and "the magistrate cannot interpose his authority till the crop is on the ground, when, if a dispute arise who is to have it, the magistrate, on a summary inquiry, may give it to that party establishing the best claim to it. But this is of very little use. The cases of disputed titles to crops on the *ground* are of rare occurrence," compared with those of refusal or neglect to cultivate. "The only remedy afforded by the Regulation, in case the ryot fails to cultivate, consists in a summary process for the recovery of the advance, with interest; or in a regular suit for the enforcement of the penalty specified in the agreement," provided it does not exceed treble the amount of the advance, unless fraud be proved.

MS. Ret. iv. 212, Mr. Tucker, Commr. Dacca.

Mr. Ross, Judicial Minute, MS. Ret. iv.

But "the return of the advances, with interest, even supposing that the award could immediately be realized, would prove a very trifling compensation for the injury sustained by the loss of the expected produce of the season; more especially when, by a general combination amongst the ryots, a factory may be altogether disappointed of the produce on which it depended." The vats and building necessary for the manufacture have been erected; a considerable establishment kept up all the year, and advances made, perhaps not merely for indigo, but for the labour which the planter had calculated on requiring during the growing and manufacturing season. The ryot, under the Regulations, may retain the advance until the season for sowing; and if he then repays it, with interest, he has done all that can be required of him, except through the medium of a regular action. The period for obtaining other land has elapsed, the season for sowing being very short; and the planter is left without plants to employ his factory, or compensation for his great outlay.

Let. Sec. of Gov. Bengal to Register of Sudder Dewanny Adawlut; MS. Ret. iv. 40. See also, II. 388. Mr. Campbell, Mag. Tirhoot. III. 114. Mr. Shaw, Mag. Nuddeah.

"Although, however, the Regulation referred to is defective, I apprehend," says Mr. Ross, "that the continuance of the evils complained of is not so much attributable to its defects as to the inefficiency of the tribunals authorized to carry its provisions into execution; and that, were it amended, it would still be as inoperative as it has hitherto been, if left to be enforced by the same tribunals.

Mr. Ross, Judicial Minute, MS. Ret. iv. 240.

"It must be kept in mind that the courts at the sudder stations of the several zillahs are the only tribunals authorized to take cognizance of disputes arising between European indigo manufacturers and the ryots who contract to supply them with indigo plant; and that these courts are, from their situation and the great extent of the country over which they have jurisdiction, inaccessible to the majority of the ryots; and, from accumulation of business distracting and retarding their proceedings, of little avail to the manufacturers. There is, in reality, no provision made for administering any law to these two classes; and that fact alone is sufficient to account for the disorder that prevails in the indigo districts." This opinion of Mr. Ross is fully borne out by other opinions.

The Regulations in question are allowed on all hands to have failed of their object. In some districts they have never been acted upon, even in one instance; of this the great indigo district of Tirhoot is believed by its magistrate to be an example; that of Dacca is mentioned as another; and the principal cause of their failure appears to be justly referable to "the circumstance of the judges not being able to give that immediate attention to the suits instituted, on which the efficacy of the Regulation depends."

Mr. Rattray's Judicial Minute, MS. iv. 260. II. 388. Mr. Campbell, Mag. Tirhoot. III. 207. Mr. Walters, Mag. Dacca City. III. 313. Mr. Barwell, 24 Pergunnahs.

III. 48. Mr. Mills, Mag. Pubnah. See also Mr. Ross's Minute, iv. 250. Mr. Turnbull's Minute, iv. 287.

The population of each judicial district has been computed, by various officers of the East India Company, in answer to queries from the Court of Directors, at from 600,000 or 700,000 to 1,000,000 or 1,200,000. The area of each district varies from 350 to 22,000 square miles.

Queries from the Court of Directors, with Replies from some of their Officers in England, in 1813.

miles. Parties may, therefore, be "distant from the only courts open to them from 50 to 100 miles *."

Mr. Turnbull's Minute, MS. Ret. iv. 288.

From the great magnitude of the districts, the courts are, with few exceptions, always overburthened with business; the delay attendant on a regular suit is very considerable, and much time is necessarily consumed in obtaining even a summary decision.

The complaints of the planters, in relation to the judicial establishments of the country, are not confined to the number of judges. The proceedings are all conducted by writings in the Persian language, of which both the planter and his opponent are, in most cases, completely ignorant, and the judge himself has at best but an imperfect knowledge. It is also complained that the judges are too often young and inexperienced men, who have possessed no opportunities of acquiring knowledge of the several systems of law which they have to administer, or of the habits, manners, or transactions of the persons subject to their jurisdiction; and who therefore rely, in a great measure, on the native officers appointed to assist them. These officers are said to be very generally accessible to bribes; their corruption appears to be matter of general notoriety; and the planters declare that such is the extent of corruption, that no prudent man ever ventures to institute proceedings without bribing all the subordinate native officers concerned. At every stage of the proceedings fresh presents are required; and the circumstances of the case are ultimately presented to the judges in a point of view determined rather by the comparative amount of the bribes than by any fair consideration of the merits of the case.

Petition of Planters of Jessore, MS. Ret. iv. iii. 136.

Venality appears to pervade all ranks of the native officers, beginning with the lowest, and ascending through all the grades to the highest. All appear to be frequently leagued together; the constables at the outer stations paying for the countenance of their superiors, and advancing their interests by promoting litigation.

The class whose corruption is most complained of is the *Police*. Many of the planters assert that the extortion committed by these men is so gross and notorious, that when a superintendant enters a village to investigate a murder, a robbery or a homicide, a large number of the ryots run away till the inquiry is over, not because they are guilty, but to avoid being arrested under pretence of suspicion, and made to pay a rupee or two each for their release.

Another evil loudly complained of is the great prevalence of perjury. One planter, whose statement is quoted by Mr. Rattray, (one of the judges of the Sudder Dewanny Adawlut) as a "fair exhibition of facts without any exaggeration," expresses his opinion of the facility with which false witnesses may be hired by the following passage, which is fully corroborated by other accounts. "The ryot can *prove* himself insolvent, in the event of being cast, by the aid of a few oaths, which he can procure as cheap as eggs."

Mr. Rattray's Minute, MS. Ret. iv. 262.

The expense, inconvenience, delay and uncertainty produced by these various causes acting in combination exclude the poor natives almost entirely from the courts, and leave no possibility of redress in most of the cases which occur, even to the planter. The distance of the court, and the performance of the various steps prescribed by the Regulations, would alone, without the aid of any other causes of expense and uncertainty, be sufficient to deprive the remedies offered to the planter of all efficacy.

The truth of this proposition will be sufficiently evident, when it is considered that the contracts entered into by the planters with the ryots are generally for small patches of land of from two to five begahs each; that the advance usually made to the ryot is two rupees per begah, and that the contracts entered into annually by a single factory often amount to several thousands. The expense of sending to the court would alone often greatly exceed the amount of the advances, or the value of the indigo which the offending ryot had contracted to grow. The outlay required for the purpose, when a large number should fail, would be ruinous to the planter; and the decision, after all, would frequently come too late, even if no unnecessary delay should interpose itself between the commencement and the termination of the suit. For the intention of the ryot not to deliver the indigo plant to the planter entitled to it rarely becomes known until the crop is fit to be cut, when a very little delay would leave it valueless.

MS. Ret. iii. p. 35. Mr. Smith, Mag. Rungpore.

MSS. Ret. ii. 388. Mr. Campbell, Mag. Tirhoot.
iii. 35. Mr. Smith, Mag. Rungpore.
iv. 262. Mr. Rattray's Minute.
— 465. Resolution, Bengal Government.
— 7. Petition of Planters of Jessore.
— 17. Letter from Messrs. Alexander to Mr. Shakespear.
— 47. Petition, Planters of Dacca Jelalpore.

The suit for the recovery of the advance, besides affording no sufficient compensation to the planter, is rendered completely nugatory by the poverty of the ryots. the planter finds, on obtaining a verdict, that the defendant possesses no means either of satisfying his claim or paying the costs which have been incurred. Or if less poor, he has frequently left the village, made over his property to another, or is ready to bring false witnesses to prove that he is insolvent.

When proceedings are instituted against ryots for breaches of their contract, the object which the planters have in view is not to obtain compensation, but to inflict punishment on the defaulter, in the hope of deterring others from similar conduct.

Reg. v. 1830, S. iii. MS. Return, iv.

By late Regulations the law relating to indigo contracts has been improved by the addition of the following, among other provisions:

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* This paragraph was written before the returns of the area and population of British India were printed. The minimum and maximum of extent of the districts have been supplied from those returns. The *average* area of a zillah, under the Bengal presidency, is more than 4,000 square miles; and the average population, in 1822, was more than 1,300,000; the population of some districts exceeding 2,000,000.

The *wilful refusal* or neglect, without good and sufficient cause to cultivate land on which advances have been made for the growth of indigo, is constituted a misdemeanour, punishable with one month's imprisonment. On conviction, the judge may also order the specific performance of the contract under the penalty of imprisonment for two months. Damaging indigo plant is also made punishable by fine and imprisonment.

But little can reasonably be expected from amending the provisions of the law itself. The principal defect, as many of the judicial authorities whose opinions are referred to in the margin have strongly stated, is in the tribunals. The magistrate of Jessore expresses himself in the following manner: "The grand objects for the Government to aim at do not consist in the making new laws for the management of their concerns, but in providing for them a speedy and sure application of the laws as they stand."

MS. Ret. ii. 252. Mr. Mellvill, Mag. Bareilly.
iii. 293. Mr. M'Farlan, Mag. Jessore.
— 323. Mr. Pringle, ditto.
— 313. Mr. Barwell, Commis. Allypore.
iv. 240. 256. 291. 316. Mr. Ross's Minute and Draft proposed Regulations.

Complaints have already reached England of the inefficiency of the new Regulations, in consequence of the delay attending the proceedings requisite to enforce them.

The impotence of the law compels those who possess just claims to have recourse to violence for their maintenance or enforcement, and encourages fraud and oppression on the part of all persons who have either in their power.

Of this encouragement the ryots, the zemindars and the planters seem all to have largely availed themselves. The disputes however which arise out of these causes are much more numerous, and tend to more important consequences in some districts than in others.

Wherever the planters are few in number and widely spread, the questions which arise between them and the natives appear to be neither numerous nor productive of much violence. The planter makes his contracts with the more substantial ryot only, and finds plenty of land which it is equally beneficial to him and to the natives to have cultivated with indigo, since much of it is frequently unfit for most or all other purposes.

In some of the districts in which indigo factories are numerous, and situated near to each other, the disputes arising out of the cultivation of indigo are few, and rarely followed by any very gross acts of violence. Of these the district of Tirhoot is always pointed out as a signal example; Sarun and Allyghur are also mentioned with distinguished praise. But most of the districts where the number of planters is considerable, exhibit constant scenes of fraud and oppression, terminating frequently in the most serious affrays. Dacca Jelalpore is, perhaps, the most unfavourable specimen of this class. The cause of the difference between the effects produced in Tirhoot, and those which are exhibited by Dacca and most of the other populous indigo districts, is nowhere stated.

MS. Ret. ii. p. 387. Mr. Campbell, Mag. Tirhoot.

Where the indigo factories of a district become so numerous as to give rise to competition among them for the land in their neighbourhood, the planter becomes less scrupulous in selecting the ryots with whom he contracts, and scrutinizes less carefully the titles of the land offered to him for cultivation; he requires more land than the ryots are desirous either of leasing to him, or of cultivating with indigo; and consequently avails himself of every favourable opportunity of obtaining leases or contracts. He makes advances to all who apply, takes advantage of their distress or weakness to tempt the ryots to sign contracts, and accepts leases from any persons who possess even the colour of a title. When these sources fail, he is tempted to have recourse to compulsion.

The disputes between the planters and the ryots, and those between the different factories, then become frequent, and lead to consequences of increased importance.

The ryot receives advances for the cultivation of indigo, and either neglects to plough his land, or, when he has ploughed it, refuses to sow it at the proper season with indigo; and perhaps sows instead rice, barley, sugar, or some other crop for his own use.

Mr. Sealy's Minute, iv. 257. iv. 46; Petition of Planters of Dacca Jelalpore.

Sometimes the seed received from the planter is parched before it is sown, to destroy its germinative power, and after sufficient time has been allowed to elapse for the growth of good seed, the land is resown by the ryot with some other crop, and the failure of the indigo is attributed to the badness of the seed furnished by the planter. At other times the indigo seed is ploughed up by the ryot, or the seed of other crops sown with or upon it.

Mr. Prinsep.

Advances are received in respect of land to which the ryot has no title, or of which he is but a joint tenant. Land to which the title is doubtful, is frequently offered to the planter with a view of interesting him in supporting the claim of the party from whom he obtained the land. And advances are constantly received from two planters for the same crop: in which case, when the indigo is fit to be cut, a dispute arises between them respecting their respective rights to the crop.

MS. Ret. iii. p. 32. — ii. p. 363.

The zemindars, and sometimes the native officers of the courts, with a view to extract bribes from the planter, employ their influence with the ryots, to induce them to combine and refuse to cultivate the land for which they have received advances. For this purpose, bonds not to cultivate indigo are frequently taken by the zemindar from the ryots. In other cases they erect factories and compel the ryots to receive advances from them, though already under agreement to cultivate the same land for other planters. Here, as before, the object in view frequently is to obtain money from the planters, and not to manufacture indigo.

IV. 8. 106. 109. Petition of Planters of Jessore. IV. 46. Petition of Planters of Dacca Jelalpore. III. 295. Mr. M'Farlan, Mag. Jessore.

Sometimes they lease villages to the factories, and refuse, after they have received the advance agreed upon, to deliver them up. In other cases, though they deliver them up the villages, they instigate the ryots to stop the planter's ploughs when he proceeds to till the land, and sometimes they collect large bodies of men together, to prevent the planter from cultivating even that land which he has obtained from other parties.

MS. Ret. ii. 440. Mr. Wells, Mag. Monghur. MS. Ret. iv. 115. Petition of Planters of Jessore.

In one case a zemindar and a planter seem to have raised a combination of 7,000 men,

men, who agreed not to sow indigo themselves, and to prevent other ryots from sowing it, for a certain British factory.

MS. Ret. iv. 142. 171. 175.

When the season arrives for ploughing the land, the ryots who have agreed to cultivate indigo for the factory neglect to plough, or the planter finds a body of men assembled to prevent him from ploughing that of which he has obtained leave for home cultivation. Sometimes the land, instead of being retained for indigo, is sown with rice or other crops for the ryot's own use; still more frequently the land is properly prepared by the ryot, but when the rains commence and the seed should be sown, some or all of the ryots refuse or neglect to sow. "The sowing of indigo admits of no delay: when the land is prepared for the reception of the seed, no time must be lost. Delay, that in all cases is dangerous, in this is ruinous; either the lands must be sown at once, or not at all." The planter has made advances, not only to the owners or occupiers of the land, but frequently to the labourers whom he had expected to employ during the season of manufacture. His factory, with its establishment, have been kept up at great expense; the law does not even profess to afford him assistance, except to recover his advances, and even these he can never hope to obtain, in consequence of the poverty of the ryots. During the delay necessary to procure the assistance of the Court, the season would pass away, and leave the planter perhaps wholly ruined.

Mr. Rattray's Minute, iv.

Finding the law incapable of affording him redress, he takes the matter into his own hands and proceeds to plough the land, or sow it, by means of his own people, overturning and destroying the rice or other crop which the ryots may have sown in the stead of indigo. If large bodies assemble to impede the proceeding, an affray ensues, in which lives are not unfrequently lost.

When the land is sown, the ryot sometimes ploughs it up again, and sows it with other crops. At other times herds of cattle are driven amongst the growing indigo, to consume or destroy the plant; then again the planter finds himself obliged to look to his own resources for protection.

In the same manner, when the indigo has arrived at maturity, the ryot refuses to cut it, or the crop is claimed by another planter, from whom also advances upon it have been received. The indigo must be gathered immediately, or it will be spoiled. In the first case, the planter cuts the indigo by means of the factory servants; in the second, the two planters assemble large bodies of men, each bringing into the field as many as he can collect together, and the strongest party cuts and carries the crop, perhaps after a violent affray.

When the planters are the aggressors, the natives are compelled, by a necessity equally pressing, to appeal to force; and that the planters are the aggressors in a large number of instances, is fully established.

The same impotence of the law, which invites the native to injure the planters, holds out at least equal encouragement to the planter to oppress the natives, particularly the ryots, to whom the expenses of a suit amount in most cases to a denial of justice.

The conduct of the planters, as has been already stated, appears to be very different in various districts. In those where there are but few planters, acts of violence appear to be very rare. The planters, probably, do little worse than take advantage occasionally of the distress or necessity of the ryot, to induce him to take advances on somewhat unfavourable terms. In some districts, where factories are numerous, instances of oppressive conduct on the part of the planters and their servants are rare. Of Allyghur, the Commissioner of the Moradabad division says, "So far as my experience goes, and it is founded on a residence of six years, in a district (Allyghur) filled with indigo planters, I have found the lower classes of the natives better clothed, richer and more industrious in the neighbourhood of the factories than those at a distance; and at the same time I cannot bring to my recollection a single instance of a native having suffered cruelty or oppression from an indigo planter or his servants."

MS. Ret. iv. 343; Mr. Bolders.

In other populous indigo districts, the acts of misconduct committed by the planters, though not so rare as they are described to be in Allyghur, are still not very numerous; while, in a few of the most populous districts, no act seems to be avoided which can in any way forward the interests of the planters. Dacca Jelalpore may be cited as the most striking example of this state of things. The summary of suits brought against the indigo factories exhibits, in the case of most districts, few instances of oppression of an aggravated nature committed by the planters, and all the acts of that nature are confined to a few individuals. In Dacca Jelalpore, on the contrary, and in some other districts, the summary exhibits charges of every degree of violence against almost all the planters. The following description of the acts committed by the planters applies, therefore, with different degrees of force, to different districts.

In their eagerness to obtain indigo, the planters probably take advantage of the cupidity, distress, or timidity of the ryots, to a greater or smaller extent, in all or most of the districts, to induce them to enter into disadvantageous contracts.

Mr. Monckton, Commr. Bareilly, ii. 255. Mr. Barwell, Commr. 24 Pergunnahs, iii. 320. Mr. Walters, Mag. Dacca, iii. 223. Mr. Walters, Mag. of Dacca, iii. 226. Mr. Barwell, Commr. 24 Pergunnahs, iii. 321. Mr. Walters, iii. 227. Mr. Cardew, Mag. Dacca Jelalpore, ii. 35. 42; iii. 177. Mr. ——, Joint Mag. Pubnah, iii. 51.

Pounding their cattle on a charge of straying among the indigo appears to be a method very frequently had recourse to for this purpose.

When this is insufficient, compulsion, more or less violent, is employed; the ryot is seized, and confined or beaten. Instances of misconduct to this extent appear to be more or less plentifully spread over most of the indigo districts; but in some of the worst the misconduct goes much farther. Every means which can be contrived of attaining the end in view, appears to be put in requisition; they are scourged and confined until they consent to enter into contracts; money is thrown into the houses of the ryots, as advances; their bullocks

bullocks are impounded, their houses burned, or otherwise destroyed. Instances of arson frequently occur in the summary of the criminal suits connected with the indigo factories of Dacca Jelalpore, and one or two other districts. When contracts cannot be obtained by any of these means, or it is found more convenient to forge them, or to cultivate the ryot's land by force, forgery is had recourse to; or, more frequently, the land is seized and cultivated by the planter's servants, either under the pretence afforded by a lease from some ryot out of possession, who has a real or pretended claim to the land, or without any colour of right. The ryot's paddy, sugar, or other crop, if any happens to be growing, is ploughed up, and the land forcibly sown with indigo. Not unfrequently the planter prefers some other land belonging to the ryot to that which he intended to lease, and avails himself of some indistinctness in the pottah, to seize the field which he thus prefers.

ii. p. 61. See Report from Mag. of Dacca, ii., for many instances. Mr. ——, Joint Mag. Pubnah, iii. 51. Mr. Smith, Mag. of Jessore, iv. 61. Mr. Cardew, Mag. of Dacca Jelalpore, ii. 65. Mr. Walters, iii. 228. iii. 51. Mr. Cheap, Mag. Mymensing, v. 17.

When the factories are numerous, the ryots are frequently compelled to enter into engagements with one factory, after having contracted with another for the same land. Sometimes a planter obtains the lease of a village from the zemindar, and compels the ryot to cultivate indigo, without consideration of the rights which custom confers upon them. Occasionally this appears to be done in ignorance of the nature or existence of their rights. Sometimes, in these cases, the indigo lands are said to be thrown out of the rent-roll, and the whole burthen of the revenue cast on the other lands.

Mr. Ainslie, ii. 270.

MS. Ret. ii. 224, Commissioner of Furruckabad.

When a zemindar quarrels with his tenants, he sometimes alleges that their rents are in arrear, seizes their land, and grants it to the factory for the growth of indigo. The tenants sometimes act in a similar manner when they quarrel with the zemindars.

Vol. ii. 309.

But of all the various grievances of which the ryots have to complain, that which they are said to consider the greatest, is the impossibility, almost complete, of freeing themselves from their connexion with the factories, when once they have received an advance for the growth of indigo. The advance which they are compelled, or induced to take, is frequently one which they can never repay; and when even they do possess the means of paying off all debts due to the factory, and desire to relinquish the cultivation of indigo, the planter frequently refuses to settle their accounts, and compels them to continue to grow indigo.

Mr. Walters, iii. p. 225.

If, from this or any other cause, a ryot refuse to cultivate his land for the factory, the planter cultivates it with the factory servants, and charges the expense to the ryot's account, and otherwise contrives to bring him into debt to an amount which renders him little better than a bond slave to the factory.

Mr. Tucker, Commr. Dacca, iii. 264.

The acts of which the zemindars complain are, that the planters, in their eagerness to obtain lands, accept pottahs or leases, without scrutinizing with sufficient care the title of the grantor, trusting to their armed men to remedy any defects in the contract. That they take pottahs which do not specify the quantity or boundaries of the land conveyed to them, and thus obtain an excuse for seizing on any neighbouring landlord's property which suits them best. That it is, at least in some districts, "a common practice," when a zemindar refuses to accede to the offer of a planter who wishes to obtain a pottah, for the planter to obtain a pottah from some sharer or claimant, real or fictitious, who is in most cases not in possession, or from some unauthorized gomastah, upon the authority of which he either seizes the land, or causes a suit to be instituted, which suspends the payment of the zemindar's rent. That they occasionally find difficulty in obtaining their rent from the planters; and that the latter employ every exertion, frequently to the extent of committing acts of open and daring violence, to prevent the zemindars from establishing factories, and, when established, to ruin the owners.

Mr. Hamilton, Mag. of Benares, iv. 67. Mr. Cardew, Mag. of Dacca Jelalpore, iii. 176. Mr. Smith, Mag. of Jessore, iv. 56. Mr. Blackburn, Mag. of Juanpore, ii. 330. * Mr. Walters, Mag. of Dacca, iii. 216. Mr. Walters, Mag. of Dacca, iii. 215. Mr. Cheap, Mag. of Mymensing, v. 17. Mr. Walters, Mag. of Dacca, iii. Mr. Hamilton, Mag. of Benares, ii. 295. Mr. Walters, Mag. of Dacca, iii. 213.

In the two or three districts in which the oppressive acts of the planters are most common, and in which alone those of the most aggravated kinds occur at all frequently, the planters maintain bodies of men, frequently 100 or 200 or more in number, to protect them from aggression, and to enable them to conduct their affairs in the manner which has been described. These men are frequently strangers to the neighbourhood, of the worst possible character; sometimes convicted criminals, who do not confine themselves to the exercise of the degree of force required for the purpose of the planter, but sally forth under cover of the night, and commit heinous offences, decoities, thefts, and even murders.

Mr. Walters, iii. 230. Mr. Cardew, Mag. of Dacca Jelalpore, ii. 31. 35. 40. 44. 58. 62. 68. Mr. Ross's Minute, iv. 243. Mr. Sealey's Minute, iv. 258. Mr. Turnbull's Min. &c. iv. 276.

Among the cases which appear in the Report from Dacca Jelalpore and Dacca City, there are many charges against servants of the factories, which would appear from their nature to be referable to this source, such as robberies, "snatching money," and similar offences. The practice, however, of employing armed men to any considerable extent is said to have greatly diminished, and to be now nearly obsolete, except in one or two districts, where, as the returns justify, it is still almost universal.

iii. 230, Mr. Walters. Mr. ——, Mag. of Pubnah, iii. 51. Rev. Letter from Bengal, 1 Jan. 1830.

Organized gangs of brigands, denominated Luteeals, consisting of from 100 to 200 men, under regular sirdars, who live by hiring themselves to fight the battles of indigo planters, it is to be hoped, are not now so commonly had recourse to as formerly in this part of Bengal. A few instances, however, are to be met with among the suits instituted during the last five years in the various indigo districts.

Mr. Walters, Mag. of Dacca City, iii. 231. Mr. Turnbull's Minute, iv. 282. See ii. p. 45. — iv. p. 175, Dacca Jelalpore. — v. 17, Mymensing.

Many instances occur, in the few districts which are in the worst state, of false complaints made by the factory servants against ryots; and the subornation of false testimony on behalf of the factories is alleged, with great appearance of probability, to be frequently practised.

Mr. Walters, iii. 235. Mr. Hamilton, Mag. Benares, iv. 65.

The police are frequently in the pay of the planters.

Mr. Turnbull's Minutes, iv. 276.

The planters allege, in mitigation of the offences committed on behalf of the factories, that they are for the most part committed by their servants, without their knowledge.

Mr. Walters, iii. 251; Petition of Planters of Jessore, iv. 129.

They also complain that the incapability of holding land in their own names places them completely in the power of the gomastah, in whose name the lands leased by them are held, and obliges them to connive at his misconduct.

For both these assertions there appears to be sufficient foundation in part, at least to a great extent.

Mr. Walters, iii. 194, 228. Mr. Cardew, Mag. Dacca Jelalpore, iii. 178.

Several of the magistrates consider that the oppressive acts which are committed are rather attributable to the servants of the factories, than to the planters themselves; and that where the latter do countenance the oppression, they are more frequently the tools of wily gomastahs, or other natives, than intentional oppressors.

Mr. Smith, Mag. Jessore, iv. 57. Petition of Planters of Jessore, iv. 129. Commissioner of Booleah, iii. p. 108.

The influence which the gomastah acquires over the planter by means of the leases held in his name, is forcibly stated in the following extract from the Returns of Mr. Walters, the magistrate of Dacca City, to the Governor-general's Circular of 29th December 1829.

MS. Ret. iii. 253.

"So long as he (the planter) is debarred from a straightforward course, by openly leasing lands in his own name, and on his own responsibility; so long as he continues subjected to the control of a wily gomastah, whom he cannot shake off, whatever may be his conduct and character, without destroying his own fair prospects, by losing the lands leased in his name, so long he will be obliged to submit to be an unwilling accessary to all the chicanery and oppression which the crooked policy of his servants may suggest. Many a planter has confessed to me that he has been an accessary to acts which he would have been ashamed of in his own country; acts which he was driven to permit, or to lose the capital he had embarked; and which he invariably attributed to a necessity arising out of the anomalous situation in which he found himself. The nominal holder, perhaps, of 50,000 begahs of land, at a cost of three lacs of rupees, a European planter, finds himself the real proprietor of a few pucka vats and drying-houses only, over which alone he has any real control."

At the same time, it appears to be placed beyond doubt, by the facts and opinions adduced, that the planters shield themselves under their alleged dependence on the gomastahs, and ignorance of what is done by their servants, to permit acts to be committed on behalf of the factory, which could not be ventured upon if the planters were themselves responsible.

Mr. Hamilton, Mag. Benares, iv. 67. Mr. Smith, Mag. Jessore, iv. 57. Mr. Walters, iii. 228. Mr. Shaw, Mag. Nuddeah, iii. 139.

Many of the magistrates complain that the planters are too careless what their servants do; that, provided a certain quantity of indigo be obtained, the planter cares little about the means which are adopted to effect its cultivation. The whole matter is left to the native servants of the factory, and the proprietor avoids specific knowledge of the acts which he cannot but be aware will be committed.

Several of the magistrates attribute a large proportion of the disputes which occur between the factories and the ryots, to the want of care manifested by the planters in superintending the conduct of their servants.

Had this carelessness no other motive than the love of ease, the instances which occur of it would be much more rare. The offences with which the factories have been charged in the foregoing description of their conduct, are, for the most part, not such as the servants of a factory have any other interest in committing than to please their masters, by increasing the cultivation of indigo. Had the planters no interest in the performance of the acts in question, the servants would only risk their situations by committing them. Their interest would be to avoid anything of the sort.

The native servant has an interest in extorting money from all whom he can reach, and, consequently, of adopting any contrivances which seem calculated to assist him in effecting that object; but the offences charged upon the factories in the foregoing statement are not of this nature. The servants of the factories seem generally to compel the ryots to pay them a proportion of the advance received from the factory, and to extort money from them on many pretences; but the evils which the ryot suffers from this source, form an addition, and one of no small importance, to those already mentioned.

Mr. Smith, Mag. of Jessore, iv. 57. Petition of Planters of Jessore, iv. 129.

In concluding this description of the conduct of the various classes connected with the cultivation, and particularly of the planters, it may perhaps not be altogether superfluous to caution the reader against an exaggerated notion of the bad state of the country, which a catalogue, containing no particulars respecting the number of each crime committed, is calculated to produce. Even in the worst districts, though crimes are excessively frequent, a very large majority of the contracts made with the ryots must be free from all taint of injustice, except perhaps some little advantage taken of their poverty or cupidity. And the number of affrays and crimes of any considerable magnitude committed by each of the factories, in the worst districts, would not amount to more than a small number in the year. The conduct of the planter is not marked, at every step, by the crimes we have described, as the catalogue has a tendency to lead the reader to imagine. The crimes, even in the worst cases, form but a small, though far too large, list of exceptions.

Although the conduct of the planters, or of their servants at least, in some of the indigo districts, is undoubtedly oppressive, and evidently divergent from the standard adopted in more civilized countries, it may be questioned how far it is worse than that of the natives of India to each other, particularly of the zemindars towards the ryots.

The papers which have been submitted do not afford materials for any direct comparison between the conduct of the planters and that of the zemindars. A summary of the suits instituted against the former during five years, is given, with many elaborate opinions on their demeanor; but nothing of the sort exists relating to the zemindars.

Few

Few of the magistrates have made any comparison between the two classes, in the opinions which they have given.

The two or three, however, who have done so, incidentally, give opinions decidedly favourable to the planters,

Thus, the magistrate of Jessore (Mr. M'Farlan) states, "that the natives of the country are equally violent and rapacious, and I think more so; whilst, at the same time, there is unquestionably a superiority among Europeans, in the qualities of openness, liberality, and adherence to engagements." MS. Ret. vol. iii. 292.

Mr. Smith, the magistrate of Rungpore, concludes a long letter with this: "After what I have ventured to submit above, my opinion regarding the treatment of the natives must be qualified. Illegal acts are committed, but these are not confined to Europeans, notwithstanding the clamour that is raised about indigo planters. The records of the criminal courts prove, that from the same causes the same effects arise amongst the native population; and the obstacles that oppose themselves to the effectual enforcement of civil contracts drive the native merchant, equally with the indigo planters, to seek redress by subjecting his creditors to illegal restraints." Ibid. 41.

The opinion that the conduct of the European planters is not worse, or at all events not much worse, than that of the native zemindars, derives considerable support from the answers given by the magistrates and commissioners to the questions asked them, as beforementioned, respecting the "character of the European indigo planters," residing within their respective jurisdictions, "in regard to their transactions with, and treatment of, the natives around them."

Among the answers received from the magistrates, joint-magistrates, and commissioners of circuit, of all the provinces subject separately to the presidency of Calcutta, amounting to 112, there is not one which gives a decidedly bad character of the planters in general, and only two or three which do not speak of their general conduct with praise.

Most of the opinions charge them with committing *illegal* acts, and many give long catalogues of the crimes and misdemeanors sometimes committed by them and their servants; but, with the few exceptions above-mentioned, they all conclude with praise of their conduct, considered as a whole.

Thus, Mr. Walters, the magistrate of the City of Dacca, who gives a longer list of the classes of crime and misdemeanors committed on behalf of the factories, than any other magistrate, and paints the occasional conduct of the planters and their servants in the most unfavourable colours, expresses his general opinion of them in the following passage:—

"I have been led to form, upon the whole, rather a favourable opinion of the general character of European indigo planters, in regard to their transactions with, and treatment of, the natives around them. Among so numerous a class of persons, it is not to be expected that instances of misconduct should not occur, and that the dictates of self-interest should not occasionally urge an individual to overstep the bounds of propriety, and to forget what is due to himself as a British subject and as a Christian. Although, therefore, it cannot be denied, that instances of oppression, and a resort to brutal force, for the accomplishment of their views, have, in some cases, originated with the European planters; they have, in frequent instances of recorded misconduct, been made the tools of interested landholders, or of their own wily gomastahs, who, by exciting them to breaches of the peace, have turned the laws, which they have caused to be violated, into a source of advantage to themselves. MS. Acct. vol. iii. p. 193.

"That some of the planters are held in much estimation by the natives; that they are constantly applied to to arbitrate disputes between relatives or neighbours; that they are the frequent dispensers of medicine to the sick, of advice to those in difficulty, of pecuniary aid to those in need, on the occasion of family events, which would otherwise involve them for life with native money-lenders; and that their never-failing acquiescence in the wants and wishes of their poor neighbours has thus tended, in some measure, to exalt the British name and character, I can vouch from my own knowledge of the fact: nor need I remark how very much the prosperity and happiness of our native subjects would be increased by the residence of European gentlemen among them, were such a description applicable to a large portion.

"The chief evil complained of by indigo planters, and the fertile source indeed of serious breaches of the peace, is the interference of rival factories with each other, and the injury to which planters are constantly exposed, from new factories being erected within the bounds of the old-established concerns in their possession, either by native proprietors or leaseholders, or some European planter."

Dacca is one of the districts in which the cultivation of indigo occasions the most dispute and the greatest number of crimes. Of these crimes, and of the misconduct of the planters in many cases, the magistrate whose opinion has just been stated, gives a very forcible description; yet his opinion of their general conduct is still, on the whole, favourable; yet it is at least one of the most unfavourable which was given by any of the magistrates or commissioners.

Unless this, and the other general answers given, refer solely to the personal conduct of the planters, which was obviously not the intention of the question, and which can scarcely be the case, they must mean that, although the conduct of the planters is constantly *illegal*, and frequently violent, criminal, and oppressive, their misconduct is greatly mitigated by the state of the law, and their deportment not worse, but probably better, than that of the natives possessed of similar power—the zemindars and others. The language in question could not be used by persons who considered the conduct of the British planter as much, if at all, more oppressive than that of the wealthy natives.

The object of the question to which these answers were returned, was to learn the

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character borne by the planters in the various districts; in other words, their reputation. A large proportion, indeed by far the larger proportion, of the persons addressed, misled probably by the ambiguity of the word character, have not said anything of their reputation among the natives, but *characterised* them according to their own notions. They have given the planters the character which they think they deserve, and not collected that which they bear.

The answers that distinctly refer to the opinions of the natives on the subject are but few, which is much to be regretted. These, however, represent the character borne by the planters for kindness, liberality, and fairness, and good faith, in very favourable colours, and state that they are looked up to by the natives with respect and esteem.

The differenee between the conduct of the planter and that of the zemindar consists probably in this, that the exactions of the planter are limited to those made for the purposes of his trade, while those of the zemindar have frequently no limit but the capacity of the ryot to gratify his rapacity.

Mr. Smith, Mag. of Rungpore, iii. p. 34. Commis. of Bareilly, ii. 255.

So long as the law remains inefficient, the interest of the planter will frequently lead him to adopt unjustifiable means of obtaining, at the smallest possible cost, all the indigo which he is capable of manufacturing. He will drive hard bargains with the ryots; take advantage of their wants, their weakness, or cupidity; and occasionally, when necessary for his purpose, employ force. But here his oppression ceases.

He probably never thinks of using fraud or violence except in the way of trade. Provided he obtain a sufficient supply of indigo at a low price, he is satisfied, and thinks not of interfering with the accumulation of the ryots from other sources. Though he seizes the ryot's land, he would never think of taking from him a rupee to which he had not some claim.

On the contrary, his interest combines with his inclination to render him favourable to their progress in wealth, and the improvement of their condition, whenever it is consistent with obtaining the quantity of indigo which he requires; for it is more to his advantage that the ryots who cultivate for him should possess ploughs and bullocks, to enable them to fulfil their contracts without difficulty, than that they should be sunk in extreme poverty.

Minutes of Gov.-gen. attached to Rev. Letter from Bengal, 1 Jan. 1830.

The native zemindar too often extends his rapacity to everything which the ryot possesses. He is not always content with squeezing out of his tenant the greatest rent which he can obtain; but if, notwithstanding the amount of the regular extortion, the ryot should find means of accumulating anything, he contrives to obtain it from him under some pretence or other.

Mr. Sisson's Report on Rungpore, April 2, 1815.

"Not a child can be born, not a head religiously shaved, not a son married, not a daughter given in marriage, not even one of the tyrannical fraternity dies, without an immediate visitation of calamity upon the ryot. Whether the occasion be joyful, or whether it be sad, in its effects to the cultivator it is alike mournful and calamitous."

The English planter protects the ryot from the zemindar and village malik; and although his own servants commit great extortions, they are probably little, if any, worse than those of the native wealthy classes. Mr. Barwell, Commissioner of Allypore, speaks of "the extortions which, under sanction of their (the planters') names, are frequently practised by their retainers and dependents, in common with all other native servants, whether public or private, in our employ."

Petition of Planters of Jessore, iv. 116. Mr. Bird, Comm. Goruckpore, ii. 359. Mr. Bolders, Comm. Moradabad, ii. 242. Mr. Walters, Mag. of Dacca, iii. 195. Mr. Smith, Mag. of Jessore, iii. 293. Petition of Planters of Dacca Jelalpore, iv. 46. Mr. Walters, Mag. of Dacca, iii. 195.

He assists the ryot with advances to pay his rent, and saves his land and bullocks from being seized for arrears. The terms of repayment in indigo which he exacts are indeed far from favourable to the ryot in many instances; but they appear to be less burthensome than those of the native usurer, to whom the ryot would otherwise be obliged to have recourse, and "involve" himself "for life."

One of the planters states, that the native money-lenders advance the cultivators such monies as they require at 37 ½ per cent. interest per annum. This advance, given for the peasant and his family, for every bushel of which they receive back a bushel and a half; and for seed-corn they get back two bushels for one, or 100 per cent. interest. Not content with these profits, they are said, by the same person, to cheat the poor people most shamefully; which they can, it is said, easily do, as all the crops raised by the cultivator go into the usurer's granary the moment they are ready, and he takes good care never to grant a receipt, or render an account of any kind.

Another planter, whose letter is in the same collection, page 66, says, that whenever the ryot is obliged to borrow of the money-lender, his cattle are mortgaged for the principal, while interest is charged at 50 or 60 per cent.

Mr. Smith, Mag. of Jessore, ii. 262.

Although the bargains which the planter drives with the ryot are perhaps nearly, or quite, as hard as those of the zemindar, he behaves towards them with better faith, and pays him more regularly, and is less rigorous in enforcing his claims when a bad season or other calamity falls upon him.

Magistrate of Dacca, iii. 195 and 161.

He treats the ryot, too, with less violence and more humanity in matters not immediately connected with business; shows more kindness to him in his distresses; supplies him very commonly with medicine when sick; affords him assistance occasionally when disabled, and sometimes lends him money to buy bullocks, and carry on his agricultural pursuits, or to support his family when in want. In many instances the planters appear to have so much personal influence with the natives, and command their respect to such an extent, that they are constantly referred to, to settle disputes between them.

It would appear, therefore, on the whole, that there is little or no ground for considering the conduct of the planters to be more oppressive than that of the native zemindars; and that the magistrates and commissioners of circuit of the Bengal provinces in general do not believe it to be worse, but rather better.

This conclusion, it is true, is founded to a great extent on inference, in the absence of sufficient direct testimony, and therefore is advanced with some hesitation.

It seems to be tacitly assumed by most persons, that the indigo districts are those in which the greater quantity of disturbance takes place. This, however, would necessarily follow from the increase of the number of transactions, whether the planters acted oppressively or not. Where all disputes are settled by affrays between the parties, whatever increases the number of transactions will increase the number of affrays, although one of the parties may always act fairly.

It is, however, stated by two or three of the magistrates, that, "the natives generally are averse to the extended cultivation of indigo, and more especially to the cultivation of it by Europeans." Mr. Barwell, Commissioner Allypore, vol. iii. p. 319.

"The natives with whom I have conversed on the subject, (says Mr. Nisbet, commissioner of Booleah,) have invariably expressed a strong dislike to indigo factories; and I have always found a prejudice to be entertained by them against Europeans residing in the interior, my endeavours to dispel which have been fruitless."

Other magistrates remark that the natives dislike the cultivation of indigo on any other than the Chan lands, which are unfit for the growth of any other crops. (See v. 56, magistrate of Mymensing, and iii. 283, magistrate of Bararat.)

On the other hand, the magistrate of Jessore cannot think that the natives look on the cultivation of indigo as productive of more harm than good to them, (iii. 291); and instances are adduced by the Governor-general in Council, in their Revenue letter, 1st January 1830, of great eagerness on the part of the ryots to induce planters to settle in their respective neighbourhoods.

On the whole, there seems to be no pretence for maintaining that the conduct of the planters has either prevented the accumulation of native capital to any considerable extent, or that their oppressions have added anything to the evils suffered by the native population, which can be for a moment compared with the advantages which their capital has conferred on the country.

It is even doubtful whether the conduct of the planters has been at all worse than that of the zemindars would have been if the former had not settled in India, and consequently, whether any deduction should be made from the positive advantages on this ground. None of the magistrates or commissioners draw any comparison between the amount of benefits which the natives derive from the employment among them of European capital, and that of the evils by which they are alloyed. Their whole language, however, seems to indicate that this omission arose from a feeling that such a comparison was wholly unnecessary, the side to which the balance inclines appearing to them not to admit of a doubt.

That this is a correct interpretation of their silence on the point, and of the indications which pervade their reports, would appear to be established, or at least rendered highly probable, by the fact that those who reside in the worst indigo districts, and who consequently have had occasion to paint the most unfavourable pictures of the crimes, oppressions and disturbances connected with the indigo factories, those, in short, from whose reports the catalogue of crimes and charges against planters has been compiled, are precisely the persons who seem to be most profoundly penetrated with and convinced of the balance of advantages which the country derives from the culture of indigo, by means of European capital and skill.

Among the districts most distinguished for misconduct connected with indigo factories, those of Dacca, Dacca Jelalpore, Mymensing, Jessore, with perhaps one or two more, stand pre-eminent. The most formidable list of charges against the planters, to be found in the whole of the reports, is brought by Mr. Walters, the magistrate of Dacca city. His tone, in many places, indicates what is certainly no partiality towards the planters, by whom almost all the labour and trouble of his office are created. Yet after making his charges, he remarks: "I do not consider it necessary to descant on the general advantages derived to the country from the introduction of the indigo manufacture on its present extended scale. These are palpable, and an estimate of their value will be best found from the information furnished by the returns called for, as well as from other data doubtless in the possession of the Government. What appears to me to be required is, to point out the existing evils which have grown up with the manufacture, and to suggest rules for their amelioration." Vol. iii. p. 192.

The magistrate (Mr. Cardew) of Dacca Jelalpore, which appears by the reports and returns to be the district in which more aggravated crime is committed by the planters than in any other, concludes his report thus:

"Upon the whole, I am of opinion that the residence of Europeans in this district has been of the greatest advantage to the inhabitants. The comforts of all classes have been increased from the large capital circulated; the zemindars' rents have been realized with greater facility, and the immense tracts of jungle that overspread the district before the cultivation of indigo was introduced, have totally disappeared." Vol. iii. p. 180.

Mr. M'Farlan, the magistrate of Jessore, another of the most disturbed districts, says, "I can hardly think that the establishment of European Indigo planters in the interior of the districts is looked upon by the natives as a source of evil rather than of good. Vol.iii.pp.291–293.

"Rapacious and violent men there no doubt are among them; and the uncertainty of the speculation, which approximates their enterprises to gambling transactions, must have an important influence in fostering such evil propensities. But natives of the country are equally violent and rapacious, and, I think, more so; whilst, at the same time, there is unquestionably a superiority among Europeans in the qualities of openness, liberality, and adherence to engagements.

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" If, therefore, the capabilities of the country are to be called out at all, it seems clear they had better be under the management of Europeans than of natives."

The following extract from the report of the magistrate of Mymensing (Mr. Cheap), will, at the same time, show the high opinion entertained by that gentleman of the advantages which India derives from the residence of Europeans, and his freedom from partiality towards the planters:

Vol. v. pp. 58, 59.

" Great benefit has been derived from their (the planters') speculations to the country; but they are apt to entertain a much higher opinion of the benefits conferred on the natives, than those mutually received and conferred. That the capital invested in indigo is immense, it is not necessary to mention; but, generally speaking, with the exception of a few ill-finished factories, as far as external appearances go there is little in the way of the useful or ornamental to be seen in those parts of the country principally occupied by indigo planters, and no improvement in the means and implements required for agriculture; the only counterpoise in the scale being the employment of a considerable number of hands in the manufacture of the raw produce, and the skill acquired by those engaged in the mechanical part of the process: but that greater comforts and conveniences have been dispensed to the ryots and lower orders, from the introduction of this now most valuable staple of the country, admits of doubt, or at any rate is confined to districts which I have never visited."

No distinct opinion that the balance of effects is disadvantageous to India, has been met with in any of the reports. The two following extracts are those which have the strongest tendency to that view. The first is from the report of Mr. Monckton, commissioner of Furruckabad; and the second from that of Mr. Barwell, commissioner of Allypore, who

Vol. iii. p. 312.

commences his report by a declaration that he has had " very little experience in the administration of the criminal jurisprudence and internal police of the country, and has never resided in districts where the cultivation of indigo was carried on to any extent," until his then recent appointment to the office of commissioner.

Vol. ii. 25–27.

Mr. Monckton says:—" There is reason, therefore, to think that the profits of indigo are not, as represented, the clear and honest results of European skill. A portion is drawn from the funds fairly due to the revenue of the State; and a portion is more exceptionably drawn from forcing ryots to grow indigo in a proportion beyond what the Indian cottage-farm can maintain, and to give that indigo, with the perquisites, at terms which do not repay the grower. I fear that there is not a village mortgaged in these parts, to indigo factories or their native agents, which, in the ruined state of the houses, the poverty of the people, their discontent, despair, and, more particularly, loss of their native manner, do not offer proof of the injury done by the indigo trade to the interior of the country.

" The general personal character of the European planter, separated from the advantage taken of revenue laws and landed tenures, is fair. Coolies, day-labourers, carriage and boats, are regularly and fully paid for, but not from any other reason than what actuates the world at large—a feeling that, if not paid, people will not work. Of any great improvement in cultivation, in manufactures, in arts and sciences, being imputable to the indigo planters, I am not apprised."

Vol. iii. 16, 17.

Mr. Barwell expresses himself in the following words:—" Accustomed as I have been, from my youth upwards, to regard with reverence the sentiments and opinions entertained by the late venerable Warren Hastings (the wisest ruler and the best friend to the interests of his Honourable Employers that British India ever saw) upon this subject, I strongly incline to the latter measure, as affording the best means of securing the stability of our eastern empire, and of promoting the peace and prosperity of its native inhabitants, whose rights and interests, privileges, customs, and even prejudices, we are bound, by every obligation of good faith, to preserve inviolate and entire.

" That those rights and interests are interfered with, those prejudices offended, and those customs infringed upon, wherever, as in the Jessore district for instance, Europeans have been permitted to occupy lands for the cultivation of indigo to any considerable extent, no one who has had opportunities of conversing generally with the natives, and of ascertaining their real sentiments, can doubt for an instant."

These opinions, even if intended to signify that their authors considered that the advantages attendant on the residence of Europeans were overbalanced by the disadvantages, do not exhibit any of that superior care in the investigation of the subject which could alone entitle two or three opinions to outweigh a much greater number.

On the whole, the view taken by Mr. Bayley, member of the Council of Bengal, of the evidence adduced on this subject, coincides with our own:

Mr. Bayley's Minute, 31st December 1829.

" Even with the limited powers now possessed by our local tribunals (says Mr. Bayley) to prevent or punish offences on the part of European British subjects, and with the obvious disadvantages which result from a divided jurisdiction, and from restrictions which go to encourage acts of fraud and violence, I am of opinion that the most solid benefits have resulted, and continue to result, from the residence and employment of European British subjects in the interior of the country, and that the mischiefs and inconveniences have in practice been of much less importance than has been commonly supposed." This view derives some additional confirmation fram the speeches of two eminent natives to the inhabitants of Calcutta, Dwarkanauth Tagore and Rammohun Roy. The former said, " With reference to the subject more immediately before the meeting, I beg to state that I have several zemindaries in various districts, and that I have found that the cultivation of indigo, and the residence of Europeans, have considerably benefited the community at large; the zemindars

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becoming wealthy and prosperous; the ryots materially improved in their condition, and possessing many more comforts than the generality of my countrymen, where indigo cultivation and manufacture are not carried on; the value of land in the vicinity to be considerably enhanced, and cultivation rapidly progressing. I do not make these statements merely from hearsay, but from personal observation and experience, as I have visited the places referred to repeatedly, and in consequence am well acquainted with the character and manners of the indigo planters. There may be a few exceptions, as regards the general conduct of indigo planters, but they are extremely limited, and, comparatively speaking, of the most trifling importance. I may be permitted to mention an instance in support of this statement. Some years ago, when indigo was not so generally manufactured, one of my estates, where there was no cultivation of indigo, did not yield a sufficient income to pay the Government assessment; but within a few years, by the introduction of indigo, there is now not a begah on the estate untilled, and it gives me a handsome profit. Several of my relations and friends, whose affairs I am well acquainted with, have in like manner improved their property, and are receiving a large income from their estates. If such beneficial effects as these I have enumerated, have accrued from the bestowing of European skill on one article of production alone, what further advantages may not be anticipated from the unrestricted application of British skill, capital and industry, to the very many articles which this country is capable of producing, to as great an extent, and of as excellent a quality, as any other in the world, and which of course cannot be expected to be produced without the free intercourse of Europeans."

Rammohun Roy confirmed this view in the following language:—"From personal experience I am impressed with the conviction, that the greater our intercourse with European gentlemen, the greater will be our improvement in literary, social and political affairs; a fact which can be easily proved, by comparing the condition of those of my countrymen who have enjoyed this advantage, with that of those who unfortunately have not that opportunity; and a fact which I could, to the best of my belief, declare on solemn oath before any assembly. I fully agree with Dwarkanauth Tagore in the purport of the resolution just read. As to the indigo planters, I beg to observe, that I have travelled through several districts in Bengal and Behar, and I found the natives residing in the neighbourhood of indigo plantations evidently better clothed and better conditioned than those who lived at a distance from such stations. There may be some partial injury done by the indigo planters; but, on the whole, they have performed more good to the generality of the natives of this country than any other class of Europeans, whether in or out of the service."

See also opinion of Mag. of Meerut, ii. 128.

The objection which was urged by the witnesses examined before the Select Committee of the whole House on Indian Affairs in 1813, was not, however, that the advantages which India would derive from the settlement of Europeans in India would be overbalanced by any pecuniary disadvantages; but that Europeans would violate the religious and social prejudices of the native population, oppress and ill-treat the natives, degrade the British character by vice and debauchery, and thus excite and encourage the natives, if not to insurrection, to avail themselves of any occasion which should offer to join any powerful invader or insurgent. These evils, however, were predicted by most of the witnesses, only in case the immigration should consist of the poorer and less educated classes. The settlement which has hitherto taken place has not been drawn from those classes; the case supposed has therefore not occurred.

It may be well, however, to observe here, notwithstanding, that the violation of the prejudices of the natives does not form one of the charges brought against the planters by any of the magistrates, except by Mr. Barwell, in the single paragraph cited a few pages back; that no traces of any such offences appear in the summary of criminal cases which has been returned for the five years ending with 1829, one or two of the cases being all which appear to involve any such offence; that the people are nowhere said to have been rendered discontented with British rule by their conduct, nor does the British character appear to have been lowered by them in the eyes of the natives, in any way calculated to weaken the hold which England has on India; at least, nothing of this nature is anywhere alleged against them in the papers which have been submitted.

Having taken a view of the conduct of the indigo planters, for the purpose of discovering how far it is more injurious and oppressive to the natives of India than that of the zemindars would otherwise have been, and arrived at the conclusion that the evidence does not warrant an opinion that it is much if any degree worse, and consequently that it does not seem necessary to make any deduction on that score from the advantages undoubtedly conferred by the large capital which they employ, and by their superior knowledge and morality; it remains to endeavour to form an estimate of the advantages which the various classes have derived from these sources.

Effect which the Cultivation of Indigo by European Capital has had on the class of Ryots.

This class includes the whole country population of India, with the exception of a very small number of persons, who come under the class of zemindars. The ryots are of two kinds: those who possess a *customary* title to hold the lands which they occupy, so long as they pay a certain fixed rent; and those who have no other title to their land than that which they derive from the zemindar whose tenants they are, either on short leases or at will.

When land is held by tenants of the former class, Khood-khasht ryots as they are termed, they are of course the parties that benefit by any increase in value of the land itself, or of

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the produce which it bears. They are not, however, like the large landholder under similar circumstances, necessarily benefited by any increased value which their land acquires. If they sell or let the land, they obtain a higher price or more rent for it; if they grow a surplus, more manufactures may be obtained in exchange for that surplus; but on so much of their property as they retain to produce their own sustenance, or to grow agricultural produce of one sort to exchange for that of another which is required for their own consumption, they derive no benefit from the increased value of land or of its produce.

As the portions of land held by the ryots are very small, those even of the Khood-khasht class obtain but a small share of advantage from any rise of the value of land, or of agricultural produce; except where, within the bounds of their village, there are portions of land unfit for the growth of ordinary crops, but suited to indigo, or which, having remained from some other cause in an uncultivated state, come into demand in consequence of the rise.

Those of the ryots who are not included in the class just described, and who form the great bulk of the population, derive no benefit from the increased value of land: if land becomes more valuable, the zemindar of course augments the rent. The condition of the ryot is wholly dependent on the wages of labour which he receives, either under that name, or in the price of the indigo or other articles that he produces for sale.

It has been already stated, in the commencement of this report, that the quantity of capital annually expended by the indigo planters is estimated by themselves at from 1,200,000 *l.* or 1,600,000 *l.* to 2,000,000 *l.* sterling; and that the wages of labour in India appear to be from five to eight shillings per month.

No materials have been found for forming an estimate of the proportion which the persons paid at this rate of wages bear to the whole number employed, or of that which the total amount paid to the former class bears to that paid to the latter.

It is obvious, however, that the number of persons maintained by this outlay, either as labourers themselves or as the families of labourers, is very great. It has still, however, to be considered, in which of the two ways possible the additional demand for labour has been supplied, whether by a corresponding increase of the population growing up with the growth of the trade, or by an improvement of the condition of the labourers. Is a number greater, by the amount of the new demand, maintained in the same condition, or the same number, or one which, though increased, is not increased in an equal ratio with employment, in a better condition? Few of the magistrates, or other Indian authorities, have expressed any distinct opinion on this point. There is, however, some difference of sentiment between those who have. That the principal effect has been to maintain an increased population, does not admit of a doubt. The only question is, not whether the whole of the demand created by the indigo trade has gone to improve the condition of the people, but whether any part of it has; whether the condition of the people has been at all improved in consequence?

Evidence before Committee of 1831.

Rammohun Roy, an authority of great weight in such matters, considers the condition of the ryots has not been improving in any degree within his recollection; to which he adds, that is of so melancholy a description, "that it always gives him the greatest pain to allude to it."

Evidence before this Committee, A. to G. 35, p. 5, Min.

This opinion would, however, seem to relate to the mass of ryots, and to exclude some improvement in the condition of those engaged in the cultivation of indigo; for in the speech already quoted, Rammohun Roy stated, "I have travelled through several districts of Bengal and Behar, and I found the natives residing in the neighbourhood of indigo plantations evidently better clothed and better conditioned than those who lived at a distance from such stations."

Dwarkanauth Tagore, himself possessed of, or connected with several indigo factories, expressed on the same occasion a similar opinion. He stated that in the indigo districts he found the "ryots materially improved in their condition, and possessing many more comforts than the generality of his countrymen, where indigo cultivation and manufacture is not carried on."

Vol. i. p. 93.

Mr. Hamilton, the magistrate of Benares, says, however, "It is argued that the ryots, in those districts where indigo is cultivated, are most substantial. Speaking of those divisions which have come under my observation, I cannot say that I have seen anything that could at all lead me to suppose such the case; but on the contrary, I am inclined to assert, the ryots are far better off in the zemindaries wherein the proprietors will not hear of indigo being grown, and resist every application for pottahs from factories. The rajah of Benares openly declares, that until the introduction of indigo there never was dissension in his jagheers, (the finest cultivated tracts in this neighbourhood); that all the late disputes had their origin in indigo transactions, to which he never willingly consented, but from which he has seriously lost, and must permanently suffer."

This opinion seems, however, to be rather the result of inference than of observation; and the inference, at least if intended to apply to more than some few districts, is obviously founded on an erroneous notion of the facts. The paragraph quoted is followed by this:—"More land is not brought into cultivation by the introduction of indigo; it is not grown on ground that would otherwise be fallow, or on which other produce could not be advantageously raised; neither is the rent paid by planters higher than what could be obtained from other persons. If then the quantity of cultivated land is not increased by the culture of indigo, or a higher rent is not paid for the lands on its account, how then is the ryot to be benefited? He must obtain enough from the planters to cover all expenses, and leave himself a profit to maintain him through the year; and if he only gain this, it matters little whether it be derived from indigo or anything else."

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The commissioner of Furruckabad takes a view of this question still more unfavourable to the opinion that the condition of the ryots has been improved. He says, "I fear that there is not a village mortgaged in these parts to indigo factories, or their native agents, which, in the ruined state of the houses, the poverty of the people, their discontent, despair, and more particularly loss of their native manner, do not offer proof of the injury done by the indigo factories to the interior of the country." It must, however, be observed that at the time to which this opinion relates the planters in that part of the country were in great distress and failing. Vol. ii. p. 225.

The only other opinion which has been met with on this side of the question, is that of the magistrate of Mymensing (Mr. Cheap), who attributes to the "immense" capital invested in indigo, the "employment of a considerable number of hands;" but adds, "that greater comforts and conveniences have been dispensed to the ryots and lower orders, from the introduction of this now most valuable staple of the country, admits of doubt, or at any rate is confined to districts which I have never visited." Vol. v. p. 59.

On the other side of this question may be ranged the opinions of a larger number, though still but a small proportion, of the magistrates and commissioners. Several of the opinions are, however, expressed so generally, that it is difficult to decide whether those by whom they were given considered the benefit derived to be employment for a greater number only, or an increase of the comforts enjoyed by each.

The cultivation of indigo, for example, is said to be very beneficial to the "district and native inhabitants." The introduction of so large a capital, "is of considerable advantage both to the people and to the Government." "The great body of the ryots have already benefited by the diffusion of capital, the extension of cultivation, and the enhancement of rents." Even with respect to those opinions which do distinctly assert an improvement of condition, it is in some cases doubtful whether the opinion is founded on inference or observation. Mr. Lind, Mag. of Futtehpore, ii. 281. ii. 389, 331, 359. Mr. Morris, Mag. of Behar, ii. 423.

Several of the magistrates seem to feel that the increase of comfort among the working classes is a necessary consequence of any large increase of capital, and to estimate the benefit done to the labouring class by the evil which they would suffer if European capital were now suddenly removed.

"The comforts of all classes have been increased from the large capital circulated," is the statement of Mr. Cardew, magistrate of Dacca Jelalpore; and it is difficult to determine whether the effect is here deduced from observation or inference. The opinions which at the same time assert that the comforts of the working classes are augmented, and leave no doubt that the ground of the assertion is observation, are few. Vol. iii. p. 180.

The commissioner of Moradabad (Mr. Bolderò) says, "So far as my experience goes, and it is founded on a residence of six years in a district filled with indigo planters, I have found the lower classes of the natives better clothed, richer, and more industrious, in the neighbourhood of the factories than those at a distance from them." Vol. ii. 243.

Mr. Mills, magistrate of Pubnah, says, "Although many planters are undoubtedly oppressive, yet at the same time it must be observed that the condition of the ryots has been greatly improved since their introduction in the mofussil." Vol. iii. p. 53.

Evidence to the same effect was given before the Committee of the House of Lords which sat on the affairs of the East India Company in 1830.

Mr. Harris, who had been an indigo planter in India, stated that "their (the ryots') better condition in the districts where indigo was chiefly cultivated, enabled them to keep a greater number of bullocks for their ploughs, and the ground was better cultivated as they improved in means." Minutes Lords' Rep. 1830, p. 303.

The following question was put to, and answer returned by Mr. Davidson, who had also been a planter in India: Minutes of Evidence, 257.

"Is the situation of the ryots, who cultivate indigo for the indigo planters, superior to that of other ryots engaged in the cultivation of other articles of agricultural produce?"

"I do not know that there is any very material difference. I think, in the comparison between those who do cultivate and those who do not, that those who do cultivate indigo are rather best off."

The planters allege, in the pamphlets and letters which have been published by them in this country, that wages have greatly increased, and that the condition of the ryots has been most materially improved. They state many instances of the rise of wages, that is, of money wages; but say nothing of the rise which must at the same time have taken place in agricultural produce.

In one instance, indeed, it is stated that "Old individuals often speak of rice selling formerly at from 3*s.* to 4*s.* per quarter; now it sells at from 10*s.* to 14*s.* per quarter." But as nothing is said of the rise which has during the same time taken place in money wages, the rise of price in this case, like the increase of wages in the others, affords no foundation for any conclusion respecting the condition of the ryots. They also assert that much of the labour of cultivating indigo, the ploughing and the weeding, is performed, at least in some districts, at seasons when the women and children, ploughs and bullocks, would otherwise have no occupation.

The conclusion which seems to result from a consideration of the evidence adduced, and of the various probabilities of the question, is, that the labouring population of India is in a state of great poverty and wretchedness; that their condition as a body has been but little, if at all ameliorated; that the wages of labour are extremely low in all parts of the country; but that those employed by the indigo factories have more constant employment at those

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wages, and receive their pay more regularly than their fellows in other parts of the country. The factory also affords permanent employment to a number of persons engaged in occupations somewhat superior to that of a common labourer, who naturally increase the apparent wealth and comfort of the district.

But this, it is feared, is the whole improvement which has been made in the condition of the labouring class by the employment of European capital.

Effect which the Settling of Europeans in India has produced on the Interests of the Zemindars.

The capital of the planters creates a demand, in the first place, for the land required to grow their indigo.

The returns made by the magistrates from information furnished to them by the occupiers of each factory, give 1,844,715 begahs, as the quantity of land thus employed.

Besides the land required to bear indigo, the capital of the planters creates a demand for the quantity necessary to produce food and other requisites for the supply of those employed by it, whether directly or indirectly, which includes not only the cultivators of indigo and the labourers in the factories, but the persons engaged in supplying their wants.

To the capital of the planter the landholder is also indebted for the contributions which accumulation from so large a source must have made to the general progress of the country in wealth and population, and consequently to the demand for land.

The demand for land thus created by the culture of indigo has brought into cultivation large quantities which were either covered with jungle, or unfit, from their quality, for the growth of the crops ordinarily grown in India.

Vol. iii. 211, 220. v.43,57, Mr. Cheap, Magistrate of Mymensing.

The magistrate of Dacca states, "indigo, moreover, is chiefly grown on churr lands, within the limit of annual inundation, and which will frequently yield no other produce."

April 1831, p. 144.

A writer in the Calcutta Monthly Journal says, "99 out of 100 factories are built in the immediate vicinity of large tracts of particular kinds of land, which, from the nature of their soils and liability to sudden inundations, or the waters passing in too strong a current over them, and other causes, have from time immemorial never been cultivated for 'rice,' the ostensible *primum mobile* of all commotion in Bengal. These tracts are either those in which the soil is too clayey for the imperfect husbandry of the Bengalese, and which would require a northern frost to dissolve and pulverize, or else they are mants, or dans, or churs, which the inundation assails and runs over in so abrupt and violent a manner that no rice-crop can stand against it. Again, there are tracts where the inundation is too slight for the purpose of raising the aumeen rice, and at the same time too much for the purpose of raising the ouze dan; the first of these crops requiring a friable soil and still inundation, and the latter the same kind of mould and no inundation. To these may be added extensive tracts of sandy soil too poor for rice, but which occasionally afford a crop of indigo. *Of these descriptions of lands totally unfit for rice,* at least *four-fifths of the lands* occupied by planters consist."

This statement is probably, however, considerably exaggerated, unless indeed the term "*occupied* by planters" includes that land only which is held by them for the purpose of home cultivation.

Vol. iii. 180.

The magistrate of Dacca Jelalpore says, "that the immense tracts of jungle that overspread the district before the cultivation of indigo was introduced, have totally disappeared."

Mag. Dacca City, iii. 191.

Other magistrates speak of similar results in the districts with which they are respectively acquainted.

And many allege, as proofs of the advantages which indigo planting has rendered to the country, the progress of cultivation and the increase of rent. None of them, however, make any estimate of the amount of increase. The planters give statements of the rise in the value of land in many parts of the country; but care must be taken not to found on these statements, conclusions which they are insufficient to support.

The rent usually spoken of in them is the rent of the species of land cultivated with indigo; and where this is of a quality wholly or nearly unfit for the growth of other produce, the rise in its value affords no criterion of the effect on rents in general.

Far too little importance also is attached, in the statements of those who favour the cultivation of indigo, to the causes which have co-operated with it, in the extension of cultivation and the augmentation of rents.

The circumstances of a country must be bad in the extreme, to prevent altogether its population from increasing and extending cultivation over land previously waste. Under the comparatively mild and secure rule of the East India Company, the country could not have failed to make much progress in these respects, without any assistance from British capital. But in addition to the causes which operate permanently, the extension of cultivation has been greatly encouraged by the fixed settlement of the land-tax under Lord Cornwallis, in 1793, which made an addition of 80 or 100 per cent. to the motive for cultivating land then waste; for, previously to that time, land in cultivation was assessed to the revenue at from 40 to 50 per cent. of its gross produce. The cultivator of new land would therefore have paid half, or nearly half his crops to the Government. But after the tax payable by each estate was fixed, the whole produce of any land newly brought into cultivation formed the reward of its reclaimers.

So powerful an addition to all the motives which previously existed, must have had great effect in encouraging the cultivation of waste land; and it can scarcely be doubted, that a large proportion of the progress which the country has made, is justly attributable to this cause. The zemindars in general seem fully aware of the great advantages which they have derived from the settlement of Europeans in India. (77.) Conduct of Europeans in India.

The opinions of Dwarkanauth Tagore and Rammohun Roy, already quoted, evince the convictions of the richer natives. Mr. Boldero, commissioner of Moradabad, says, "that the country at large derives great benefit from the residency of respectable Europeans in the interior, is proved beyond doubt, by the eagerness with which the large zemindars apply to the planters to build factories on their estates; to induce them to do which, I know instances of their offering to supply plants, for which they were not to be paid until the indigo was made and sold." Every increase in the rent of land necessarily augments the facility with which a fixed land-tax like that of India is levied. The operations of the planter seem also to facilitate the collection of the revenue, by supplying the ryot with means of paying his rent, in the shape of an advance for indigo. Vol. ii. 242.

The introduction into a comparatively uncivilized country, of persons who have been educated in one much farther advanced, is calculated, undoubtedly, to improve the morals and augment the knowledge of the former. But the whole number of Europeans dwelling in the interior of India is so perfectly insignificant when compared with the native population, that but little effect in this way can reasonably be attributed to them.

"Of any great improvement in cultivation, in manufactures, in arts and sciences, being imputable to the indigo planter, I am not apprised," is the remark on this subject of Mr. Monckton, commissioner of Furruckabad. Vol. ii. 227.

Mr. Cheap, magistrate of Mymensing, says, "Generally speaking, with the exception of a few ill-finished factories, so far as external appearances go there is little in the way of the useful or ornamental to be seen in those parts of the country principally occupied by indigo planters, and no improvement in the means and implements required for agriculture." Vol. v. 57.

Their example may have had some effect in introducing better faith into the transactions of business, and more humanity into the treatment of the poor; they may in some cases have checked, to a small extent, the corruption of the native officers to whom the administration of the law is entrusted, and imparted information to the few individuals with whom they come into immediate and frequent contact; but the only art which they have had an opportunity of spreading extensively is, the improved mode of manufacturing indigo, which has been adopted by many of the talookdars and zemindars. Mr. Walters, Mag. of Dacca. III. 212. Mag. Pubnah.

The Europeans residing in the towns have indeed introduced among, and taught, the natives many trades and manufactures. See Evi. before Committee of whole House, 1813; Sir J. Malcolm, 59, 70; Kyd, 79; Sir T. Munro, 89, 125, 127; Vanderheden, 21; Lindsay, 106; Farlie, 115; Malet, 247; Cockburn, 281; Sydenham, 332.

III. Probable Consequences of removing or relaxing existing Restrictions.

1. *Restrictions on holding Land.*

Much of the crime and disorder that disturb the districts in which indigo is chiefly cultivated, are attributed, as has been already shown, to the restrictions on holding land which are imposed on Europeans.

These restrictions operate to the production of disturbance in several ways. They compel the planter to connive at the misconduct of the servants in whose names his land is holden, towards the ryots and other natives, and free him from a degree of responsibility, both moral and legal, for the acts of those employed on the land, which would otherwise oblige him to exercise a much more careful surveillance over their proceedings.

These restrictions also afford a large premium on cultivation by means of that system of advances, to which the magistrates concur in attributing the great mass of the disputes and affrays which now occur.

"The most advantageous change for both parties (says the Bengal Resolution) that could be introduced in indigo transactions, would doubtless be the abolition of the system of advances." Vol. iv. 465.

The evils which arise out of this system, both to the parties concerned and to the peace of the country, greatly exceed those produced by the system of home cultivation, even under all the disadvantages to which it is subjected by existing restrictions.

"From all the information which I have been able to collect (says the Governor-general, in his Minute of 8th December 1829) on the subject, I am forced to conclude that many, if not all of the evils complained of, as incident to the extension of cultivation, have their origin in the insecurity of the tenure possessed by the planters; and I believe it will be found that just in proportion as they have been enabled to hold lands (though under the disadvantage of doing so in fictitious names), the disadvantages to which the Honourable Court have adverted have been of rare occurrence."

The magistrate of Dacca (Mr. Walters) says, speaking of the system of home cultivation, "This is by far the least objectionable mode of cultivation; and provided the farms are fairly obtained from the rightful owners, and the boundaries well defined, seldom leads to any complaint or breach of the peace. It is under 'neezehas' (home cultivation) alone that jungle and waste lands to a great extent have been brought under cultivation of indigo." Vol. iii. 191.

Mr. Cheap, the magistrate of Mymensing, speaking of the same system, says, "Wherever it (that is, the cultivation of indigo) is conducted on the mode last mentioned, there are Vol. v. 57.

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fewer disputes and complaints; and the only drawback to the latter being extended and more generally adopted is, the heavy outlay incurred at first" in making improvements on the land.

Vol. ii. 390. "In this district," says the magistrate of Tirhoot (Mr. Campbell), speaking of the evasion by the planters of the Regulations prohibiting them from holding land, "they now do so generally, and the practice is certainly attended with great advantage."

It is probable that the superior tranquillity of Tirhoot is partly accounted for by the greater prevalence of home cultivation.

Petition from Merchants of Calcutta to Gov.-general. Asiatic Mag., July 1829, p. 86. The merchants of Calcutta estimate "the losses resulting from the insecurity of lands held in the names of natives, from the failure of ryots who have received advances to perform their contracts, and from the litigation and affrays they are liable to be involved in, by the relation in which the existing Regulations compel them to stand to such persons, at not less than 25 per cent. on the total outlay." Yet a large proportion of the indigo grown is cultivated on land held under these disadvantages. The same authority estimates the proportion so cultivated at one-third.

If these calculations approach the truth, it is obvious that the removal of the restrictions would be followed by a substitution, almost universal, of the system of home cultivation for that of advances.

The Government of Bengal state, in their Revenue letter to the Court of Directors, 1st January 1830:

"It appears to us that nothing could be more beneficial than the gradual relinquishment of the system of advances, under which it can scarcely be said that the cultivators are the owners of any of the produce raised by them; a system which cannot but lead to improvidence, carelessness and expense. Now this end will, we think, be greatly promoted by the more extensive occupation of land by Europeans and their descendants."

Vol. iii. 233–236. "Another evil of a general nature (says the magistrate of Dacca, Mr. Walters) is, that from the present system of holding lands in the name of their servants, the planters are subject to no tangible responsibility. They may direct brigands to be entertained; they may plan and order attacks to be made; but, if not personally present as principals, it is difficult to convict them of being accessaries. Instances have occurred, in which the mere warning a European planter against being accessary to a breach of the peace, on the information of a police officer that armed men on his part were collected, has called forth a threat of prosecution in the Supreme Court; so that magistrates are really afraid to act against British subjects, except on the strongest grounds.

"Again, false complaints are made, and witnesses suborned. The planter's name does not appear, though the case is brought forward by his servants and at his expense; he himself most probably knows nothing as to its truth or falsehood. Were all cases relating to indigo concerns carried on in the planter's own name, he would be personally responsible, and would be cautious to ascertain the truth of a matter before he brought it forward in court. In this event, one-half of the present indigo litigation would be put a stop to."

Other magistrates express similar opinions.

Vol. ii. 307. "By the present system," says Mr. Taylor, magistrate of Nurgapore, "the indigo planter carries on his transactions in the name of the head native of his factory, and thus avoids the responsibility which would directly attach to him, should he engage lands without having made the necessary inquiry respecting the right of the person who offers to let them. I think this is liable to much objection."

Vol. ii. 361. "The only inconvenience which I have experienced," says Mr. Bird, commissioner of Goruckpore, "connected with the indigo planters, has been, that, in all matters relating to land, one cannot have recourse to principals."

The evils complained of by Mr. Walters, in the preceding extract, do not appear to be all referable to the restrictions on holding land, but many of them to the planters not being made responsible to a sufficient extent for the acts of their servants in general.

The removal of the prohibition to hold land would not, therefore, by any means furnish a complete remedy for all the evils complained of in the paragraph in question, though it doubtless would put an end to many of them.

Consequently several of the magistrates, and among them Mr. Walters, propose to render the planters responsible for the appearance, and in some cases liable for the misconduct of their servants. With a view to render that liability more efficient, they farther propose, that the planters should furnish the courts with lists of the natives employed in any situation which exposes them to be involved in the disputes of the factory.

Besides the advantages which have already been mentioned as calculated to result from the removal of the restrictions on holding land, there are several others which, though perhaps not of less importance, are so obvious, that they will require fewer words to explain them.

If Europeans in India were enabled to obtain with facility land, either on long leases or as proprietors, they would be able to repay themselves for the application of capital to their land, in the execution of permanent improvements. Drains, and canals for irrigation, might then be constructed by them with advantage, and much land which now lies waste cleared and brought into cultivation.

Letter from Bengal, Jan. 1, 1830. The Government of Bengal say, "There are, we believe, extensive tracts, now of little value, which might probably be made productive by irrigation, or by the admission of the water of the Ganges and other streams, when loaded with alluvial deposit; and in Behar and the Western Provinces, it is, we conceive, certain that the planters would be disposed to

ensure and extend irrigation by a considerable outlay of capital, if vested with an assured tenure, under a long lease.

Under these circumstances, it would scarcely be too much to expect a "general improvement of the agriculture of the country, and an increase of all the valuable products of its soil and climate." Mr. Ross, Judge of Sudder Dewanny Adawlut.

In India, irrigation appears frequently to confer on land, which without it would yield but one poor crop, and that uncertain, the capability of yielding two abundant ones with certainty. Vol. iv. 254.

"The conversion of a field, dependent for its produce upon the falling rains, into a garden or rice-plot, artificially watered, is a change from uncertainty to certainty, from one poor and precarious to two rich and sure crops." Sketch of the Ryotwar system, p. 54.

Hitherto the restrictions under which the settlers have laboured, have compelled them to confine their exertions to the cultivation of but one crop of indigo. Most of the productions to which they would otherwise have turned their attention require several years to obtain maturity, or more careful cultivation than a ryot could be trusted to perform on contract. Were the restrictions abolished, European skill would be applied to the cultivation of such productions, and one of the consequences would, in all probability, be as great an improvement of their quality as that of indigo has acquired under the hands of the British planter.

Sugar, coffee, cotton and silk, are productions to which attention has already been attracted by the prospects of success they hold out; and many more would probably soon be added to the list, if motive were afforded to the capitalist for seeking them.

A considerable diminution of the cost of production would be another consequence of removing or relaxing the restrictions. We should obtain the commodity at a lower price, and strengthen the security of the Bengal producer against competition.

On this last topic, the Government of Bengal say:

"In a commercial view, nothing could be more calamitous than to lose this great staple; and if there be the slightest ground for the apprehension of foreign competition, which some intelligent gentlemen have expressed, we can conceive nothing more mortifying and discreditable to the administration of this country, than to discover, probably too late for a remedy, that yielding to speculative fears, they had fostered the trade of our rivals by withholding from our countrymen the facilities which they required in order to preserve this important branch of national commerce. We shall most deeply, therefore, lament if it shall appear to your Honourable Court (contrary to our hope and trust), that paramount considerations require you to deny to the British settlers those privileges in regard to the occupancy of land, by which they expect permanently and unobjectionably to diminish the expenses at which the indigo of Bengal and its dependent provinces is now produced." Letter from Bengal, 1 Jan. 1830.

Mr. Walters (magistrate of Dacca) concludes the list of remedies which he proposes, the principal of which is the relaxation of the restrictions on holding land, with this paragraph:

"Let the door be but thrown open for the free expanse of British feelings and principles, as well as of British capital, and I will venture to say that in five years a greater improvement will take place in the social and moral condition of our subjects than has accrued from thirty years of trial under the old system, gigantic as have been undoubtedly the strides made in extending and bringing to perfection the manufacture of what has become the great staple export of British India." Vol. iii. 255.

The evil which has been thought by some persons to counterbalance these advantages, is the danger that Europeans would strip the natives of their land, if they were permitted to become proprietors or leaseholders. See Baber's Evid. Com. Lords, 1830, p. 219.

In the numerous papers which have been received from India during several years, but one opinion has been met with to oppose the relaxation of the restrictions on holding land, viz. that of Mr. H. T. Prinsep, secretary to the Government of Bengal, unless indeed a statement of Mr. Shakspear's, that he conceived that Government would consider the facilities then afforded to Europeans to hold lands, to be sufficient, and that they were not prepared to adopt Mr. Ross's suggestion for removing *in toto* the prohibitory laws made in that respect, can be considered as expressive of an opinion adverse to any further relaxation. Vol. iv. 419.

Mr. Prinsep's objections are couched in the following language: "The unrestricted authority of Europeans to hold land, without being subject to the local criminal law, is a measure this Government can scarcely venture upon at present. There are many well-informed people who do not consider the right of holding land to be at all connected with the necessary local control of European residents; who think the latter equally indispensable, whether the Europeans hold land or not; nay, who go the length to argue that the confusion which calls for the remedy of a local tribunal is greater, because of the shifts and expedients resorted to in consequence of the restrictions to their holding lands. Ibid. 372 to 380.

"I am not of this opinion. The unqualified removal of the restrictions of Europeans holding land would open to them a new branch of speculation, not entered upon by them hitherto, because of their legislative exclusions, viz. land jobbing, or other zemindarry jobbing. The purchase of tenures sold by the courts or collector for arrears, or for private debts, with a view to profit from enhancing the revenue drawn from the ryots, is, and most fortunately for the credit of the Government and nation, has been, since 1793, confined to natives. Had the old families, holding rajugees and zemindaries, which, to the extent of more than half of the Government jumma for Bengal, were sacrificed to the inflexible rigour of the Cornwallis system, seen their estates, one after the other, fall into the hands of English adventurers; had they seen these people watching about the collector's cutcherry for a bargain purchase at each public sale, their feeling, and that of the great body of the

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people, towards their governors, would have been widely different from what it now is. It cannot, however, be necessary to enter on this ground; suffice it, that hitherto, notwithstanding that natives have carried speculation in zemindarry purchases to a mischievous extreme, so as to call for a legislative remedy for the evils which ensued, there has been no land jobbing by Europeans: there have indeed been occasional purchases, and more frequent jauns be namee, that is, in the name of the native dependants, or their children; but these have all been subsidiary to other speculations, to aid the extension of indigo cultivation, or to afford facilities for more chimerical projects, which have been attempted everywhere with various success; and the farms have been taken, and the purchases made, with an anticipation of loss on the bargain more frequently than the contrary. Nothing of the kind has been entered upon as a primary object of speculation, and that simply because it was forbidden, and because no capitalist at Calcutta would advance the funds for engaging in such a line of adventure so long as it was so. If the restrictions were at once to be removed wholly, this line of adventure must be expected to be superadded to those other inducements to reside and seek fortune in the interior which now exist; and while the number of adventurers would be augmented beyond measure, their relation with the people would be more complex, and the materials of collision would be infinitely multiplied, while the single restraining authority at present possessed by Government, in its power of removing Europeans without trial, would become wholly inefficient.

"With what face could the Government ask to reserve to itself a power of removing a man from his inherited or purchased freehold? And how can it be reconciled to the laws and prejudices of England, whence confirmations of this authority will have very shortly to be solicited, to leave in the hands of Government the means of separating the proprietor from his fee-simple, and the tenant, encouraged by the law to embark capital freely in a speculation for increased produce, from his tenure, at the moment perhaps when it begins to yield return? What has been said hitherto applies only to born subjects of England; their legitimate descendants, born in this country, with the rights of their parents in respect to law, and those of their country for location, will be much more embarrassing. In short, what is meant to be urged is simply this; that wholly to remove existing restrictions on the residence and occupation of land by Europeans, before we have a local law strong enough to control Europeans, or a legislature competent to make such a law, would be beginning at the wrong end."

Letter from Bengal, 1 January 1830, par. 10.

On these objections the Bengal Government remark: "Even less reasonable do we consider the supposition that the possession of lands would be acquired by Europeans in a manner calculated to excite disturbances. Of all property it is the least likely to be wrongfully taken from its owner, excepting through the operation of bad laws, or laws badly administered; and as the eyes of Government, of its magistrates, and of the community, would be specially directed to the conduct of the European settlers, they are, of all classes, the least likely to be shrouded in the obscurity which must cover usurpations resulting from such a course. Public sales in liquidation of arrears of revenue are in the Lower Provinces now rare, though numerous estates are advertised. The rules under which they are conducted are such as afford every reasonable security against abuse; and any abuse practised by or in favour of an European would be much more easily detected than malpractices to which natives alone were parties; since of the latter, generally speaking, our European functionaries can know little but the name. In the Western Provinces, sales for arrears are now happily almost unknown; none are made without the express sanction of Government, and the errors and misapprehension in regard to the rights and interests of the several classes connected with the land, to which mainly are to be ascribed the extensive alienation of property that occurred in several of those provinces, are, we trust, in a great measure corrected. It does not consequently appear to us that any argument against encouraging Europeans to settle in the interior, by granting to them the privilege of holding landed property, can be drawn from the unhappy prevalence of sales in former periods."

In a Minute which accompanied the letter just quoted, the Governor-general remarked, "If the authorities in England entertain any alarm lest Europeans should be induced in any considerable numbers to resort to India, and to settle in the interior on the mere speculation of holding land with a view to the profits of rent, I have no hesitation in avowing my conviction that such alarm is wholly groundless. The European capitalist can, in my opinion, only find his advantage in India in the production of articles for the home market, or in effecting some great improvement, which accomplished, he will rarely find any advantage in retaining land merely for its rent. Such indeed is the value, I am given to understand, natives set upon land, that I think it probable that they would be enabled to buy out all Europeans holding tenures, in which some great improvements had not been made, or which were not held in connexion with some valuable mercantile concern."

Rev. Letter, Bengal, 1 January 1830, p. 14.

In another place it is stated, "Already, too, landed property bears a high value in the market; instances we (the Governor-general in Council) understand not being wanting of sales to natives at 20 years' purchase of the net rent."

The correctness of this opinion seems scarcely to admit of a doubt. The skill and talent of the European capitalist enable him to employ his capital in undertakings which yield a much greater interest for his money than he can derive from simply holding land.

In corroboration of this opinion, it is asserted by the planters that Europeans hold but a very small proportion of land in Calcutta and the few other parts of India in which alone they are permitted to become proprietors.

If as much profit could have been derived from "jobbing" in land as from indigo planting, the law which prohibits Europeans from holding land would have been evaded for the one purpose

purpose as it has for the other. The proportion between the two modes of employing capital will not be altered by the removal of the restrictions, or if at all, it will be altered in favour of the cultivation of indigo.

Although Mr. Bayley (member of the Council of Bengal) signed the letter, from which so many extracts have been made, favourable to the abolition of restrictions on holding land, yet he considered some alteration of the laws and judicial institutions of the country requisite before any considerable relaxation could safely take place.

"But, anxious as I am," he says, "that much greater facilities should be granted, with the object of encouraging European British subjects to invest their capital and employ their skill in improving the products of India, I still feel that, under the present state of our laws and judicial institutions, they could not be permitted to occupy extensive landed property in the interior of the country, except upon conditions corresponding with those which were retained in the Resolutions of Government of February last. Mr. Bayley's Minute, p. 3.

"Whenever the British Legislature shall see fit to declare that all persons, Europeans or natives, residing in the interior of our provinces in India, shall be subjected to the same regulations, and to the same local tribunals, civil and criminal; and shall, by the delegation of sufficient powers for that purpose, enable the British Government in India to modify and improve our judicial institutions to the extent which may from time to time be found necessary; from that moment the unrestricted admission of European British subjects, and the free permission to acquire and hold landed property on an equal footing with the natives of India, may be conceded not only without inconvenience, but with most important benefits to India as well as to Great Britain." Mr. Leycester, Judge of the Court of Nizamut Adawlut, was favourable to granting the power of holding lands for general purposes, iv. 237.

Effects which would probably result from removing or relaxing the existing Restrictions on Immigration to and Residence in India.

On this topic a great change of opinion appears to have taken place in the minds of the Company's Indian servants since the question was examined by a Committee of the whole House in 1813. All the witnesses examined on that occasion entertained great apprehension of danger, should immigration to India be freed from restriction*. The evils which they feared were, that many of the English colonists who would then settle in India would ill-use and oppress the natives; violate their social and religious prejudices, from ignorance or contempt; degrade the British character by drunkenness, misconduct, or the frequent punishment to which they would subject themselves; and thus render the natives discontented, weaken their respect for the rulers of the country, and either drive them into actual insurrection, or predispose them, at least, to avail themselves of any invasion, or other favourable opportunity of casting off the power of England. Some of the witnesses apprehended also that settlers might join the armies of the native princes, or enter into intrigues at their courts. By several of the witnesses belonging to the military profession, the danger to be apprehended from this latter source was not, however, esteemed of great importance. Another ground of alarm was that *free* settlers, whose right to reside in the country should not be dependent on the will of the East India Company, would despise its authority, bring its power into discredit with the natives, and thus encourage the native princes to rebel.

* Vol. i. 2, 3, 7, 23, 24, 38, 35, 55, 14, 75, 79, 83, 88, 91, 94, 261, 267, 289, 290, 294. Vol. ii. 9, 10, 24, 37, 46, 54, 74, 76, 85, 88, 94, 122, 138, 242, 267, 294. —74, 75, 91, 122, 289, 294. 95, 275, 284, 295. 122, 274, 275, 291.

38, 54, 76, 88, 91, 122.

Sir J. Malcolm, 68, 69; Kyd, 76; Cockburn, 284; Strong, 298. 94, 243, 249. Mr. Malet, 243.

These apprehensions were founded, in general, on the supposition that the influx of Europeans would be large, and that they would continue subject, in criminal cases of an aggravated character, to the courts at the Presidency exclusively.

It was considered by several of the witnesses that British subjects could not be placed in all respects under the jurisdiction of the native courts without great inconveniences. Some feared that such a measure would degrade the European character in the minds of the natives. 94, 261, 262. 276.

But few of the witnesses who gave evidence before the Committee of the House of Lords in 1830 were examined on this point. Those who were, expressed sentiments favourable to the extended settlement in India of *respectable* Europeans, capitalists, and persons possessed of skill.

From the immigration of individuals of these descriptions, the witnesses expected great advantages to the country; but most of them entertained strong apprehensions that Europeans of the lower, and perhaps even of the middling classes, would do great harm; that they would be "apt to lose all that is good in the European character, and to acquire all that is bad in the native character in India." Mr. Robertson, Minutes of Evidence, p. 105.

These gentlemen considered that any very extensive influx of settlers would greatly endanger the Government of India, and be productive of evils of considerable magnitude to the native population. One of them (Mr. Elphinstone) says that "any very considerable community of Europeans in India would be very unruly, and very difficult to manage on the part of a Government which must always be arbitrary in its character. If there were a great body of discontented colonists, such as at the Cape, for instance, I think their clamours would probably weaken the Government very much with the natives. Their disagreements with the natives would also be very dangerous; and I think there would be a great increase of the feeling, which there is now only among the lower orders of Europeans in India, of contempt and dislike for blacks." Hon. M. J. Elphinstone's Evidence, 158.

Mr. Elphinstone, however, considers "that too much facility cannot be given to the settlement of capitalists in India, supposing the Government to retain the power of sending them out of the country, and of sending them from one district to another, in case of their being guilty of any oppression, or creating any great disturbance." 169. 157.

Another witness, Mr. Chaplin, thought the extension, if limited, of the system of license;

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might produce advantage; but that "the entire control of Government must always be preserved" over the European settlers, "otherwise they will bring the Government into constant collision with the courts of judicature at the Presidencies: and that collision tends not only to degrade the Government, but very much to lower the dignity of the court itself."

In another answer to a question, the same gentleman uses the following language: "If Europeans were allowed unrestrictedly to settle in the interior, I have no doubt it would lead ultimately to the stripping the natives of their lands, depriving them of every office or employment however subordinate, and ultimately reduce them to the most degraded state of a conquered people."

259—276. Several of the witnesses point out the necessity of subjecting the European settlers to the local criminal courts, especially if their numbers are to be greatly increased.

The only judicial authority who has said anything on this subject, in the returns so often quoted in this report, is Mr. Barwell, commissioner of Allypore, whose remarks have been already quoted.

Rev. Letter from Bengal, 1 January 1830. The Government of Bengal express opinions decidedly favourable to the encouragement of European settlers in India, though, as the occasion which gave rise to these expressions was a discussion on one of the points on which the question turns only, viz. the relaxation of the restrictions on holding land, it remains somewhat doubtful what other relaxations they would approve of, with a view to such encouragement.

They consider, in the first place, that the number of Europeans who will settle in India, can never be large, which at once removes the principal source of danger. On this point

Ibid. p. 14. they say, "Satisfied as we are that the best interests of England and India will be promoted by the free admission to the latter of European industry and enterprise, our persuasion is scarcely less strong, that with every possible encouragement, the settlement of our countrymen in this country will be far short of the number which is to be desired, whether regard be had to the extension of commerce and agriculture, to the good order of the country, to the prompt, cheap and equal administration of good law, to the improvement of the people in knowledge and morals, or to the strength and security of our power."

Gov.-general, Rev. Minute, pars. 16 & 17. In his Minute accompanying the letter just quoted, the Governor-general says, "The objections to the admission of Europeans into the interior of the country were originally urged, and justly urged, under circumstances very different from what now exist; and there can be no doubt that their intercourse extensively would have been offensive to most of the natives of rank and influence, whom we found in the country on first acquiring it; even the natives whom we employed in the administration of the country required time to become accustomed to our habits and modes of acting. A great change, however, has now taken place, at least in this part of India: here, excepting in rare cases and in tracts little likely to be the seat of European speculation, we no longer employ in the public service natives of rank and influence derived from preceding rulers. We have long intermeddled in all the minutiæ of judicial and revenue management, affecting the persons and property of our subjects; the present generation have grown up under, and are accustomed to us; many, indeed, of the wealthiest and most influential are of our own creation, and are sufficiently conversant with the general habits and character of Europeans to benefit instead of suffering by the intercourse."

A paragraph on this subject in the letter of the Bengal Government, to which the above Minute is attached, points out more at length the circumstances which have existed in

Rev. Letter from Bengal, 1 January 1830, par. 9. India, "calculated to do away that strangeness with which, in new countries, the Asiatic must necessarily regard the European;" and proceeds thus: "Our native officers are the creatures of our will. In many districts, too, the British settlers are already numerous, and, however multiplied, their residence would no longer occasion the fears and jealousies that might be supposed to follow the introduction of a race of strangers, even if the system of our Government, and course of proceedings prescribed for its officers, had not operated to accustom the community to the European character. In so far as these observations are applicable, it seems to be clear that there is little room for the apprehensions that might be entertained if it were proposed suddenly to introduce a body of British adventurers into countries recently conquered or acquired, and still possessed by natives of influence and rank, reared under the despotic government of Indian rulers."

Rev. Letter, 1 Jan. 1830, pars. 9, 10. Another reason given by the Bengal Government for desiring to see the number of Europeans in India increased, is, "because the presence of a considerable number of them in the interior of the districts must tend essentially to secure for our judges and collectors (if not wilfully blind) that information, to the want of which past failures must chiefly be ascribed.

"We freely admit, that in proportion as European settlers multiply, the necessity of modifying the law relative to the administration of civil and criminal justice will be more urgently felt.

"But the changes which the utmost conceivable increase in their numbers would render necessary, may, we conceive, be easily made without any essential alteration in the general system established for the admininistration of affairs."

Mr. Bayley's opinion on this subject is, as has been shown by an extract already quoted from his Minute, limited by certain conditions. He is not of opinion that it would be safe to venture upon any considerable relaxation of restriction in the existing state of affairs, but confidently advocates the unrestricted admission of European British subjects into India as soon as certain modifications may have been made of the laws and institutions of that country.

"Concurring

" Concurring (he says in another part of the same Minute) generally in the sentiments which have been expressed by the Right hon. the Governor-general, and Sir Charles Metcalfe, in regard to the great moral and political advantages to be anticipated from the extensive employment of British skill and capital in India, I will only say that this object may in my judgment be safely accomplished, without injustice or injury to the native inhabitants, and without exciting dissatisfaction on their part; provided always, that the European British resident be subject to the same laws and amenable to the same tribunals as the native, and that the Supreme Government be vested with sufficient powers to modify and improve our laws and judicial institutions to the full extent which circumstances may render desirable." Mr. Bayley's Minute.

The opinions which have just been quoted having been expressed incidentally while discussing another question, it nowhere distinctly appears whether the views by which they were dictated extended to the abolition of the system of internal licences, and with it, consequently, of the power now possessed by the Government of removing Europeans from the interior at will.

The various opinions here brought together, considered in conjunction with the evidence which has been adduced respecting the effects that have been produced by the settlement of Europeans in India, seem to establish the following propositions:

That the immigration to India of capitalists and men of education is considered by all parties as calculated to confer advantages of great importance on that country as well as on England. Evidence Lords' Committee, 1830. Elphinstone, 157, 158, 169, 173. Chaplin, 186. Robertson, 104. Rickards, 284.

That, even in the most complete state of freedom, common labourers could not go to India at all, and artisans only in such numbers as could find employment in teaching and superintending native workmen. Rev. Letter from Bengal, 1 January 1830. See also Min. of Evidence, Committee of whole House, 1813, pp. 130, 150, 151.

That the only persons from whom mischief could be feared, who would emigrate to that country, are adventurers from classes considerably above the common labourer, in education.

That the restrictions on emigration to India are rendered necessary, if at all, only by the difficulty of restraining such adventurers while living in the interior.

These propositions appear to be universally, or almost universally assented to, but here opinion divides.

The Governor-general considers that all the persons who would go to India, if every restriction were removed, might be restrained by the powers at present possessed over Europeans by the Company's courts. Other opinions, among which is that of Mr. Bayley, (member of the Council), consider that it would be necessary, to effect this purpose, to render Europeans subject to the local courts, and to the same laws as the natives of India; but that this alteration of the law would render the freest immigration safe, and in a high degree beneficial. Mr. Rickards' Evidence, Lords Committee, 284.

Several of the witnesses examined in 1813 considered that the power of removal from the interior, and from the country, which the Company now possesses, must be retained; and some are of opinion that this power would be insufficient, unless accompanied by limitations on immigration. Sir T. Munro, 127, 155. Buller, 291.

The subjection of Europeans to the local courts, in the same manner and to the same extent as natives are subject to them, is certainly desirable in one point of view. It would remove an appearance of partiality in the law towards Europeans, of which the natives frequently complain. It may be doubted, however, whether either the complete subjection of Europeans to the local courts, or the system of licences, and the power of removal attached to it, are calculated to afford any important check on the misconduct of European settlers. Evi. Commit. 1813. Cockburn, 269–276.

Crimes committed by Europeans with their own hands are rare; and it is only with relation to such of them as amount to felony, or at least to gross misdemeanor, that Europeans are exempt from the jurisdiction of the Company's criminal courts. To the civil courts they are already liable, in all cases arising between them and natives; and the only difference between the two classes, in respect to civil suits, is, that actions between parties who are all Europeans are cognizable by the Supreme Courts exclusively, and that native plaintiffs have their choice of bringing any civil suit against an European, either in the King's Court at the Presidency, or in the local court of the Company. Opinion of Nizamut Adawlut, Jud. Let. from Bengal, 1 June 1830, p. 7; Mr. Ross, same Letter, p. 8. Beerbhoom, iii. p. 136.

Of the distinction made in civil suits, the effects appear to be unalloyed mischief: their abolition would perhaps enable redress to be obtained by legal means for some injuries which can now be decided only by force, and consequently tend to prevent affrays and disturbance; but, at the same time, there seems to be no reason to believe that either such abolition, or the subjection of Europeans to the local criminal courts, in all cases, would prevent any considerable proportion of the disputes and affrays that would otherwise arise. The cases of felony or gross misdemeanor committed by Europeans, which alone would be affected by the alteration, are, as has been already stated, very rare. Jud. Letter from Bengal, 1 June 1830, par. 7.

The power of withdrawing (at the will of the Government) the licence to reside, is of so invidious a nature, and its exercise subjects the Government of India to so much clamour and obloquy, that it can rarely be resorted to, even in cases which would fully justify its employment. For all useful purposes it is almost perfectly null. Its occasional enforcement crushes the individuals on whom it falls, without producing any considerable effect in deterring others.

To substitute, however, for this power, the mere subjection of the planters to the local criminal and civil courts, would, if the former has any effect at all in the way of restraint on their conduct, be insufficient. One principal use of the power of removal is to provide for the cases of misconduct, which, from being performed through the medium of third persons, or from some other cause, cannot be brought home to the planters. To provide for these

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these cases it is clearly insufficient to make the planters simply subject to the local courts for their own acts.

Commr. Moorshedabad, iii. 157. Mag. Beerbhoom, iii. 129. Jud. Letter from Bengal, 1 June, 1830, par. 8. See also opinion of Court of Nizamut Adawlut, same Letter, par. 7. Commr. Bareilly, ii. 254.

It is desirable, and even necessary, to make them subject to those courts, as a preliminary step to enable the Government of India, which alone can have sufficient information for the purpose respecting details, to provide the laws necessary to subject them to proper control.

But beyond this, it will be requisite to erect into crimes many acts, or rather to consider as evidence of crime many circumstances, which it would be unnecessary and highly improper to treat in this manner, in a country provided with more efficient means of restraining offenders.

Mag. Dacca, iii. 178—279. Commr. Furruckabad, ii. 222. Mag. Nuddeah, iii. 136. Mag. Mymensing, v. 25.

Thus it would probably be highly desirable to adopt the plan suggested by several of the magistrates and other judicial authorities, of rendering the planters liable, under many circumstances, for the misconduct, at least when frequently repeated, of their servants in the conduct of the affairs of the factories.

Such a law, accompanied by provisions for compelling the planters to register the names of their responsible servants in the local courts, and to answer for their appearance when required for the purposes of justice, appears to be calculated to have great effect in preventing disturbances.

There is no reason why expulsion from the district, or even from the country, should not be inflicted as a punishment for misconduct of a gross kind, or frequently repeated, on the part either of the planter himself or of his servants, if connected in the latter case with the affairs of the factory.

And it can scarcely be doubted that such expulsion, or even a smaller punishment, inflicted by a court of justice after trial, and in pursuance of a distinct positive law, would be a much more efficient instrument than any arbitrary power, because it would be less obnoxious to complaint, and therefore capable of more frequent application.

It has been objected, that to give the power of inflicting heavy punishments to courts acting under a body having interests in some respects opposed to those of the private settlers, would be productive of great inconvenience. That the power would occasionally be misused, and its exercise constantly subject to suspicion, and looked upon with jealousy.

Opinion of Nizamut Adawlut; Jud. Letter, 1 June 1830, par. 7

But the substitution of such a power for that of withdrawing the licence of settlers, and removing them from their property, without trial or reason assigned, cannot be objected to by the private settlers (except in respect of capital cases or others, in which the punishment is greater than that of removal from the interior or from the country), on any other ground than this, that the power of removal is so unpopular that it affords little or no check upon their conduct, or in other words, that in practice it is at least in a great measure inefficient, and that the power proposed to be substituted would be more effectual.

To obviate the evils of subjecting private settlers to the Company's judges in criminal cases of importance, it has been proposed by Mr. Ross, that Europeans should "in the very few instances" in which their trial would be necessary, be tried by a jury composed of natives and Europeans in equal numbers.

See Jud. Letter, 1 June 1830. par. 7.

The difficulty to be overcome is to obtain, as jurymen, persons who have no strong interest either for or against the planters.

It is to be feared that Europeans for the jury could, in most districts, be chosen from indigo planters only, persons having a strong interest to protect any European charged with an offence committed in the conduct of his business; while, on the other hand, little reliance could be placed on the integrity or firmness of natives in the exercise of such a function.

With a view to avoid the various difficulties which surround the question, it has been proposed by some persons to make an exception of capital and other cases of a heinous nature, leaving them, as at present, in the exclusive jurisdiction of the Supreme Court, but extending the power of the Company's judges to all others.

Either with or without a jury, the substitution of punishment by law, for the present system of licences, might certainly be made with great advantage, both to the settlers and to the peace of the country. The former would acquire security from arbitrary expulsion, while the efficient power of Government to restrain crime would be augmented.

The permission to hold land would prevent many disturbances, by diminishing the number of individual transactions in which the European capitalist would find it necessary to engage in the prosecution of his undertakings, and consequently diminish the number of disputes. The subjection of the planters to heavy punishment, sometimes even to expulsion from the country, for the misconduct of themselves or their factory servants, would discourage the practice of recurring to force to settle those disputes which would occur. And the combined influence of these two causes would probably be sufficient to admit of the restrictions on emigration into, as well as those on residence in India being removed, without increasing the disturbances and evils which now arise out of the residence of Europeans in that country. On the contrary, it is probable that, with these alterations, the residence of the greatest number of persons who would be induced to go to India, in case all restrictions were abolished, would be accompanied with fewer and less acts of violence than the residence of the insignificant number which now reside there is under the present system.

The great increase which would take place in the quantity of European capital and skill attracted to India, and the facilities which would be afforded for their freer and more beneficial employment, would greatly augment the advantages which India, England, and all consumers

sumers of tropical productions have derived from the employment of European capital and skill in India.

Employment would be provided for a greatly increased population; the morality and knowledge of the people would be improved; waste land be brought into cultivation; improvements introduced in agriculture and manufactures; rents augmented; the revenue of the country increased and rendered more easy of collection; a wide field would be opened for a more profitable employment of British capital than it finds at home; new products for exportation may confidently be expected, as well as great improvement in the quality, or diminution in the cost of those already produced. Chaplin's Evidence before Lords' Committee, 1830, p. 185. Harris' Evidence before Lords' Committee, 1830, p. 303.

The demand for British manufactures would be increased, not merely by an augmented demand from India, but by the encouragement afforded to their consumption by the decreased cost or improved quality of materials employed in their production.

But little hope can reasonably be entertained of raising the condition of the Indian labourer to a point in the scale of comfort which would enable the mass of the population to become consumers of British manufactures, or of putting an end to the general practice of appealing to *illegal* acts for the decision of disputes, until the law is rendered capable of protecting the ryot from oppression and spoliation, and of affording legal means of redress for all injuries.

To effect this object perfectly, many alterations are required in the law itself, in the system of procedure, in the judicial establishments of the country, and in the police which act under them. To the execution of some of these alterations difficulties of great magnitude oppose themselves, some of which, such as those connected with the difference of language, are in fact insuperable. Many suggestions have been offered for improving the law itself, but the amendment of this branch is that which offers least difficulty; it will also be of little efficiency until the judicial establishment is rendered more efficient. The most important alteration, that which would produce the greatest effect, is the increase of the numbers of judicatories. The expense of sending from England the number of judges required to render justice accessible to the mass of the population would be enormous, and so utterly beyond the means afforded by the revenue of the country, that none of those who have given opinions on the subject have proposed it.

Among the principal advantages which have always been expected from the encouragement of private settlement in India are the facilities which it would afford for increasing the number of judicatories, and the efficiency which the presence of numerous Europeans would lend them. See Rev. Letter, 1 January 1830. Mill's History.

Mr. Ross is of opinion that natives might be found to fill the office of moonsiff or judge of a very small district, of sufficient integrity and ability to be entrusted with all causes arising between the planters and the native cultivators. MS. Ret. iv. p. 247, v. p. 30.

Mr. Turnbull and Mr. Prinsep consider that the persons who now fill the office of moonsiff are not in general of a character to be entrusted with such powers; but they are of opinion that those powers might be confided to natives of the class now employed as sudder ameens. iv. 286. iv. 393.

To amend the police, many of the planters propose that a European should be appointed to superintend several stations, and to stay a month or two in the year at each of those entrusted to his care. See Mr. Leycester's Plan, vol. iv.

A plan has been suggested by an Indian periodical, which seems worthy of serious consideration, namely, to lay a tax on the planters of the districts in which their operations give rise to numerous disturbances, for the purpose of maintaining such an additional number of European judges or magistrates as might be found necessary to ensure the peace of those districts.

The expense would fall on those persons whose operations render it necessary, and the planters would avoid the burthen of maintaining the fighting men whom they now employ, the expense of the law-suits in which their affrays involve them, and also the heavy losses which they frequently suffer, notwithstanding the expensive establishments which they maintain to protect their property.

The appointment of additional judges might be extended from time to time to the various districts as they became disturbed, if the influx of Europeans should be found to produce that effect.

Supposing the judicial establishments to be improved in any considerable degree, most of the objections to the immigration of Europeans into India fall to the ground.

Lord Cornwallis, who was strongly opposed to relaxation in the present state of the institutions of India, considered that if judicial establishments were improved, free settlement would be beneficial. Evidence before the Committee of the whole House, 1813, p. 47.

Were the judicatories rendered sufficiently numerous to protect the ryot in the secure enjoyment of the produce of his industry, it is probable that the population of India would rise in the scale of wealth, civilization and happiness with extreme rapidity. The people appear to be industrious, economical and intelligent, and to be kept down only by the absence of all security for the produce of their industry, and the poverty in which they are plunged by the oppressive conduct of the rich around them.

Their situation is very different from that of the red Indians of such countries as México, or of the population of many other nations. The Hindoo is kept down by a force which, being removed, would leave him with industry and enterprise capable of making rapid advances. The red Indian requires not merely the removal of a weight, but the application of exciting causes. Industrious and enterprising habits must be inculcated by a tedious and slow process before any considerable progress can reasonably be expected from a people in such a situation.

(78.)—AN ACCOUNT of the Quantity of INDIGO Imported into *Great Britain* and *Ireland*, specifying the Countries from which Imported,

YEARS.	QUANTITIES IMPORTED INTO GREAT BRITAIN.							
	From the British Possessions in the East Indies, including the Cape of Good Hope and St. Helena.	Foreign Possessions in the East Indies and the Philippine Islands.	British West Indies, including Honduras.	Foreign West Indies.	United States of America.	Florida.	Brazil.	Foreign Countries on the Continent of America, formerly under the dominion of Spain.
	lbs.	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*
1780 - 1784	The Records for these Years were destroyed by fire.							
1785	154,291	- -	302,011	1,800	682,441	11,000	- -	- -
1786	253,345	- -	93,857	- -	765,241	48,000	- -	- -
1787	363,046	- -	62,253	458	940,857	1,070	- -	- -
1788	622,691	- -	39,025	565	1,060,164	60,600	- -	- -
1789	371,469	- -	28,848	2,749	828,194	4,000	- -	- -
1790	531,619	- -	46,687	6,343	626,042	78,800	- -	- -
1791	465,198	- -	38,807	263	589,132	8,883	- -	- -
1792	581,827	- -	57,094	7,621	659,725	48,469	- -	- -
1793	881,854	- -	35,132	17,415	625,945	42,964	- -	- -
1794	1,364,620	- -	119,059	47,809	720,477	- -	- -	- -
1795	2,862,684	- -	115,569	4,735	574,429	24,479	- -	- -
1796	3,898,157	- -	36,571	7,655	402,382	3,829	- -	- -
1797	1,754,233	- -	69,072	226	276,507	6,344	- -	- -
1798	3,862,188	- -	63,753	8,778	51,811	- -	- -	- -
1799	2,634,070	- -	92,978	122,080	97,000	535	- -	- -
1800	2,674,317	- -	339,945	78,352	437,809	4,273	- -	- -
1801	2,112,045	- -	580,029	25,000	166,136	- -	- -	- -
1802	2,267,411	- -	207,288	9,547	172,528	12,340	- -	- -
1803	2,529,508	- -	39,777	15,013	2,861	57	- -	- -
1804	2,641,019	- -	55,576	15,780	10,215	- -	- -	- -
1805	4,608,871	- -	25,132	28,229	25,513	- -	- -	- -
1806	2,612,181	- -	69,599	82,697	94,594	- -	- -	- -
1807	5,323,147	- -	335,633	159,584	139,819	- -	- -	48,757
1808	5,216,040	- -	163,278	76,079	25,031	- -	42,036	30,433
1809	2,108,086	- -	513,163	18,115	3,018	- -	74,167	5,019
1810	5,077,906	- -	164,529	1,207	72,738	- -	18,104	12,437
1811	4,382,642	- -	325,411	14,794	26,672	- -	20,511	43,337
1812	4,447,947	- -	165,163	- -	6,100	- -	1,599	21,628
1813	The Records for this Year were destroyed by fire.							
1814	6,752,540	- -	219,111	10,291	81	- -	- -	43,712
1815	5,543,222	- -	30,494	36,846	- -	- -	253	2,959
1816	7,238,114	- -	35,115	- -	2,128	- -	- -	188
1817	4,964,843	- -	10,428	2,247	6,559	- -	- -	- -
1818	5,456,645	- -	27,243	30,422	28,514	- -	176	418
1819	3,688,694	- -	54,250	43,110	6,284	- -	948	24,518
1820	4,922,750	- -	121,568	30,330	4,727	- -	- -	- -
1821	3,935,833	- -	78,305	5,799	2,770	- -	- -	- -
1822	2,484,356	- -	254,989	64,253	3,619	- -	- -	13,388
1823	6,553,354	- -	530,552	39,445	8,044	- -	50	62,078
1824	4,584,969	- -	307,777	61,105	37,903	- -	1,097	12,211
1825	6,159,785	1,650	281,026	29,025	100,600	- -	11,130	132,199
1826	7,652,946	26,709	283,571	9,271	17,089	- -	5,490	63,548
1827	5,384,998	21,530	230,669	127,417	58,666	- -	2,063	129,517
1828	9,660,152	24,669	77,806	- -	26,107	- -	- -	99,311
1829	5,965,128	17,263	212,021	70,502	56,318	- -	12,877	336,687
1830	7,920,172	6,685	87,285	5,156	3,972	- -	- -	238,575

in each Year, from 1780 to the latest period up to which the Account can be made; and the Quantities received from each.

QUANTITIES IMPORTED INTO GREAT BRITAIN.

Germany.	The Netherlands.	France.	Portugal, Madeira and the Azores.	Spain and the Canaries.	Gibraltar.	Italy.	Other Countries, and Prize Indigo.	TOTAL.
lbs.	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*
3,039	12,878	40,691	79,258	398,100	- -	8,000	- -	1,693,509
3,624	11,096	11,452	123,796	666,979	- -	900	- -	1,978,290
15,870	8,340	17,231	167,662	300,643	- -	- -	400	1,877,830
1,793	6,700	18,764	81,808	204,461	- -	- -	40	2,096,611
7,962	244,615	60,748	96,647	319,066	- -	1,153	636	1,966,087
15,000	76,678	51,222	50,392	355,859	- -	65	- -	1,838,707
2,797	10,224	105,541	95,428	287,389	- -	3,125	- -	1,606,787
29,316	15,934	15,606	60,092	385,339	- -	1,212	3,130	1,856,365
8,153	17,325	19,013	51,873	187,936	- -	5,265	64,708	1,957,583
17,576	100,406	- -	130,027	312,647	- -	- -	78,671	2,891,292
6,285	37,454	- -	53,028	534,649	- -	43,331	30,982	4,287,625
33,491	- -	- -	40,710	107,049	- -	- -	48,191	4,578,035
9,192	1,319	- -	6,916	18,270	778	- -	147,221	2,290,078
21,034	48	- -	15,736	1,225	2,241	- -	27,434	4,054,248
8,168	- -	- -	22,164	- -	50	- -	64,971	3,041,836
23,597	- -	- -	59,986	6,023	4,998	- -	121,434	3,750,734
12,470	12,210	- -	3,168	4,000	10,227	- -	26,008	2,951,293
4,507	9,708	500	973	207,848	- -	20,733	20,495	2,933,878
5,964	7,220	19,005	5,628	399,076	308	- -	130,518	3,154,935
181	3,260	1,050	66,139	168,842	1,426	- -	197,641	3,161,129
1,025	- -	- -	30,087	21,962	300	- -	612,492	5,353,611
9,668	- -	- -	17,194	4,334	22,372	1,201	17,735	2,931,575
- -	- -	- -	14,290	269	- -	- -	20,342	6,041,841
2,853	2,700	- -	8,122	- -	- -	- -	225,922	5,792,494
- -	24,488	- -	8,493	7,991	- -	- -	90,591	2,853,131
42,259	36,974	- -	7,588	428,804	29,842	- -	234,286	6,126,674
74,980	- -	- -	3,580	111,968	7,122	- -	101,492	5,112,509
15,973	- -	- -	660	101,732	20,756	- -	34,406	4,815,964
5	12	4	3,066	29,317	19,129	- -	54,677	7,131,945
2,282	3,172	- -	200	733	- -	- -	2,944	5,623,105
1,179	8,207	1,265	- -	- -	- -	- -	306	7,286,502
15,834	23,701	10,004	1,193	82,189	- -	18,592	3	5,135,593
14,171	17,016	6,056	- -	85,265	- -	- -	19,099	5,685,025
- -	912	- -	- -	3	- -	1	12	3,818,732
397	41	1,473	- -	4,597	- -	- -	3	5,085,886
11	9,987	4,247	- -	23,661	- -	- -	2,496	4,063,109
6,733	1,670	3,529	- -	30,401	- -	3,118	57,458	2,923,514
3,478	1,585	4,726	15	17,760	- -	287	330	7,221,704
4,669	2,239	28,524	- -	10,253	25,377	1,572	3,091	5,080,817
5,176	- -	2,222	- -	8,903	34,684	5,581	21,650	6,793,631
2,573	3,390	2,056	4	- -	12,216	1	6,887	8,085,751
59,894	8,647	21,559	- -	10,625	- -	5,891	6,271	6,067,747
7,294	6,475	- -	- -	- -	- -	5,965	5,231	9,913,010
39,240	32,786	9	- -	- -	- -	3,514	1,936	6,748,281
1,349	44,707	1,164	- -	- -	- -	5,811	1,564	8,216,440

(continued)

The preceding Account—*continued.*

QUANTITIES IMPORTED INTO IRELAND FROM PLACES OTHER THAN THE EAST INDIES.

YEARS.	From the British WestIndies, including Honduras.	The British North American Colonies.	The United States of America.	Germany.	The Netherlands.	France.	Portugal.	Spain and Canaries.	Gibraltar.	Italy.	Guernsey and Jersey.	TOTAL.
	lbs.	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*	*lbs.*
1780	8,374	-	-	-	-	-	-	11,681	-	-	-	20,055
1781	1,792	-	3,188	-	6,720	237	-	2,000	-	-	-	13,937
1782	766	-	5,528	-	1,316	2,806	1,365	-	-	-	-	11,781
1783	200	-	5,983	-	960	5,475	-	2,896	-	-	-	15,514
1784	456	-	2,016	-	-	12,355	-	6,753	-	-	-	21,580
1785	-	-	8,026	-	-	11,055	84	13,639	-	-	-	32,804
1786	-	-	6,760	-	660	7,818	160	2,596	-	-	-	17,994
1787	621	-	10,673	-	-	5,544	350	1,760		-	-	18,948
1788	170	-	8,194	-	114	6,376	440	5,995	-	-	-	21,289
1789	160	336	18,947	-	-	11,347	4,704	28,544	-	-	-	64,038
1790	-	-	5,143	2,722	-	1,624	300	25,880	-	-	-	35,669
1791	530	178	3,486	-	-	1,420	868	30,427	-	-	-	36,909
1792	1,290	-	2,380	-	-	526	150	14,438	-	450	-	19,234
1793	1,146	-	3,368	-	-	-	868	18,704	-	-	-	24,086
1794	490	-	5,569	-	-	-	6,776	31,607	-	896	1,400	46,738
1795	-	-	19,340	-	-	-	32	32,123	-	-	-	51,495
1796	1,576	-	3,933	-	-	-	122	24,136	-	-	-	29,767
1797	-	-	3,446	-	-	-	464	1,000	-	-	-	4,910
1798	5,680	-	-	-	-	224	1,312	-	-	-	-	6,616
1799	-	-	2,400	-	-	-	-	-	-	-	-	2,400
1800	4,010	-	2,676	-	-	-	-	-	-	-	-	6,686
1801	2,240	-	-	-	-	1,792	-	-	-	-	-	4,032
1802	1,232	-	4,544	-	-	-	-	6,202	-	-	-	11,978
1803	3,626	-	300	-	-	-	-	13,536	-	-	-	17,462
1804	800	-	-	-	-	-	-	15,906	-	-	-	16,706
1805	256	-	600	-	-	-	-	10,000	-	-	-	10,856
1806	23,816	-	329	-	-	-	2,902	5,760	-	-	-	32,807
1807	840	-	200	-	-	-	-	2	-	-	-	1,042
1808	2,885	-	-	-	-	-	142	-	78	-	83	3,188
1809	13,267	-	380	-	-	-	400	-	-	-	-	14,047
1810	329	-	1,775	-	-	-	-	-	-	-	-	2,104
1811	2,409	-	5,729	-	-	-	-	-	-	-	650	8,788
1812	7,539	-	644	-	-	-	-	300	-	-	806	9,289
1813	3,714	-	-	-	-	-	-	-	-	-	1,500	5,214
1814	-	-	-	-	-	-	-	-	-	-	-	—
1815	-	-	-	-	-	-	-	-	-	-	-	—
1816	1,173	-	212	-	-	-	-	375	-	-	-	1,760
1817	-	-	-	-	-	-	-	-	-	1,097	-	1,097
1818	-	-	625	-	-	-	-	392	-	-	-	1,017
1819	-	-	-	-	-	-	-	-	-	-	-	—
1820	3,406	-	-	-	-	-	-	-	-	-	-	3,406
1821	-	-	-	-	-	-	-	-	-	-	-	—
1822	-	-	-	-	-	-	-	-	-	-	-	—
1823	7,446	-	-	-	-	-	-	-	-	-	-	7,446
1824	155	-	-	-	-	-	-	-	-	-	-	155
1825	-	-	-	-	-	-	-	-	-	-	-	—
1826	-	-	-	-	-	-	-	-	-	-	-	—
1827	-	-	-	-	-	-	-	-	-	-	-	—
1828	-	-	-	-	-	-	-	-	-	-	-	—
1829	-	-	-	-	-	-	-	-	-	-	-	—
1830	-	-	-	-	-	-	-	-	-	-	-	—

Inspector-general's Office,
Custom-house, London,
28 December 1831.

William Irving.

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